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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF SAN DIEGO – CENTRAL DIVISION

10
11 JOSHUA BILLAUER,)
12 Plaintiff,)
13 vs.)
14 OLGA MARCELA ESCOBAR-ECK *et al.*,)
15 Defendants;)
16 OLGA MARCELA ESCOBAR-ECK,)
17 Cross-Complainant,)
18 vs.)
19 JOSHUA BILLAUER *et al.*,)
20 Cross-Defendants.)

CASE NO. 37-2021-00006367-CU-DF-CTL
**PLAINTIFF AND CROSS-DEFENDANT
JOSHUA BILLAUER'S OPENING BRIEF
IN SUPPORT OF SPECIAL MOTION TO
STRIKE DEFENDANT AND CROSS-
COMPLAINANT OLGA MARCELA
ESCOBAR-ECK'S CROSS-COMPLAINT;
DECLARATIONS OF JOSHUA
BILLAUER AND CORY J. BRIGGS;
SUPPORTING EXHIBITS 29-30**
Action Filed: February 16, 2021
Department: C-66 (Medel)
Hearing Date: October 1, 2021
Hearing Time: 9:30 a.m.

21
22 Plaintiff and Cross-Defendant JOSHUA BILLAUER ("JB") respectfully submits this opening
23 brief in support of his special motion to strike the retaliatory cross-complaint filed by Defendant and
24 Cross-Complainant OLGA MARCELA ESCOBAR-ECK ("OMEE") – and separately as to each cause
25 of action therein – pursuant to Code of Civil Procedure Section 425.16.

26 Date: August 18, 2021.

Respectfully submitted,

27 BRIGGS LAW CORPORATION

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Table of Contents

1

2 I. Introduction 5

3 II. Factual and Procedural Background 6

4 III. Standard of Review 9

5 IV. Discussion 10

6 A. This Motion Is Not Precluded by Section 425.17 10

7 B. Step 1: JB’s Conduct Was Protected Activity Covered by Section 425.16 11

8 C. Step 2: OMEE Cannot Show a Probability of Prevailing on Her Claims 12

9 1. JB’s Comments Were Privileged under Civil Code Section 47 12

10 2. OMEE Cannot Prove that JB Maliciously Posted the Comments 14

11 a. OMEE Is a Public Figure 15

12 b. The All Peoples Church Project Is a Matter of Public Concern 16

13 c. OMEE Cannot Prove Actual Malice Clearly and Convincingly 16

14 3. The Allegedly Defamatory Social-Media Publications Are Not Libelous

15 *Per Se*, General Damages May Not Be Presumed, and Special Damages

16 Are Not Alleged 17

17 4. The Allegedly Defamatory Social-Media Publications Are Opinion,

18 Hyperbolic, or Substantially True 18

19 V. Conclusion 19

20

21

22

23

24

25

26

27

28

Table of Authorities

Judicial Authorities

1
2
3 *Averill v. Superior Ct.* (1996) 42 Cal.App.4th 1170 12
4 *Balla v. Hall* (2021) 59 Cal.App.5th 652 15, 16, 17
5 *Bierbower v. FHP, Inc.* (1999) 70 Cal.App.4th 1 17
6 *Briggs v. Eden Council for Hope & Opportunity* (1999) 19 Cal.4th 1106 11, 13, 18
7 *Brown v. Kelly Broadcasting Co.* (1989) 48 Cal.3d 711 13, 16
8 *Church of Scientology v. Wollersheim* (1996) 42 Cal.App.4th 628 10
9 *Copp v. Paxton* (1996) 45 Cal.App.4th 829 15, 16
10 *Cornell v. Berkeley Tennis Club* (2017) 18 Cal.App.5th 908 16-17
11 *Equilon Enterprises v. Consumer Cause, Inc.* (2002) 29 Cal.4th 53 10
12 *GetFugu, Inc. v. Patton Boggs LLP* (2013) 220 Cal.App.4th 141 18
13 *Gertz v. Robert Welch, Inc.* (1974) 418 U.S. 323 16
14 *Grenier v. Taylor* (2015) 234 Cal.App.4th 471 15
15 *Hawran v. Hixson* (2012) 209 Cal.App.4th 256 5
16 *In re Episcopal Church Cases* (2009) 45 Cal.4th 467 9
17 *Issa v. Applegate* (2019) 31 Cal.App.5th 689 18
18 *J-M Mfg. Co., Inc. v. Phillips & Cohen LLP* (2016) 247 Cal.App.4th 87 18-19
19 *Kaufman v. Fidelity Fed. Sav. & Loan Assn.* (1983) 140 Cal.App.3d 913 15
20 *Khawar v. Globe Intern., Inc.* (1998) 19 Cal.4th 1073A 17
21 *Kramer v. Ferguson* (1964) 230 Cal.App.2d 237 13
22 *Lebbos v. State Bar* (1985) 165 Cal.App.3d 656 13
23 *Lien v. Lucky United Properties Inv., Inc.* (2008) 163 Cal.App.4th 620 9-10
24 *Midland Pac. Bldg. Corp. v. King* (2007) 157 Cal.App.4th 264 12
25 *Muddy Waters, LLC v. Superior Ct.* (2021) 62 Cal.App.5th 905 11
26 *Nizam-Aldine v. City of Oakland* (1996) 47 Cal.App.4th 364 16
27 *Pettitt v. Levy* (1972) 28 Cal.App.3d 484 13, 14
28 *Reader’s Digest Assn. v. Superior Ct.* (1984) 37 Cal.3d 244 15

1 *Rudnick v. McMillan* (1994) 25 Cal.App.4th 1183. 15

2 *Ruiz v. Harbor View Community Assn.* (2005) 134 Cal.App.4th 1456 19

3 *Salma v. Capon* (2008) 161 Cal.App.4th 1275. 18

4 *San Diegans for Open Gov't v. Har Constr., Inc.* (2015) 240 Cal.App.4th 611 9

5 *Sandlin v. McLaughlin* (2020) 50 Cal.App.5th 805 9, 10

6 *Silberg v. Anderson* (1990) 50 Cal.3d 205 13

7 *Sipple v. Foundation for Nat. Progress* (1999) 71 Cal.App.4th 226 15

8 *Snively v. Record Publishing Co.* (1921) 185 Cal. 565 13

9 *Taus v. Loftus* (2007) 40 Cal.4th 683 18

10 *Tiedemann v. Superior Ct.* (1978) 83 Cal.App.3d 918. 13

11 *Tuchscher Dev't Enterprises, Inc. v. San Diego Unified Port Dist.* (2003)

12 106 Cal.App.4th 1219. 12

13 *Weller v. American Broadcasting Companies, Inc.* (1991) 232 Cal.App.3d 991. 18

14

15 Legislative Authorities

16 CIV. CODE § 45a 17

17 CIV. CODE § 47 12, 13

18 CIV. PROC. CODE § 425.16 5, 9, 10, 11, 12

19 CIV. PROC. CODE § 425.17 10, 11

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1 I. INTRODUCTION

2 OMEE’s cross-complaint against JB is the proverbial “poster child” for why Code of Civil
3 Procedure Section 425.16 (“Section 425.16” or the “anti-SLAPP statute”) is needed.¹ OMEE is a
4 widely known public figure and lobbyist on the subject of land use in the City of San Diego, often not
5 for good.² Her latest crime against the community involves peddling to the City’s decision-makers and
6 the public an anti-homosexual mega-church at a site approved not for that particular land use but for
7 much-needed housing, right along the north side of Interstate 8 across from San Diego State University.

8 JB is strongly opposed to the project because he believes that his community needs housing
9 more than it needs another place of worship (even one that is not anti-homosexual). While the project
10 has been going through the City’s review process, which includes public meetings at which the project
11 is discussed by official City planning groups, he has used social media to get out his message about the
12 bad aspects of the project, about OMEE’s lack of trustworthiness as a hired gun, and about the many
13 false things that she has been telling the public and decision-makers. He has done so with two
14 objectives in mind: to make sure that the project is not approved by the City Council; and if it is so
15 approved and litigation to overturn the approval is needed, to make sure that the administrative record
16 fully reflects the project’s deficiencies and the lies that OMEE and others spread to help their client.

17 “The purpose of the anti-SLAPP statute is to encourage participation in matters of public
18 significance and to prevent meritless litigation designed to chill the exercise of First Amendment
19 rights.” *Hawran v. Hixson* (2012) 209 Cal.App.4th 256, 268 (citations omitted). JB’s conduct and
20 objectives fall squarely within the protections of the First Amendment and the state law designed to
21 encourage robust public participation in land-use matters.

22 Accordingly, JB asks the Court to strike OMEE’s cross-complaint pursuant to Section 425.16
23 because it represents exactly what the anti-SLAPP statute proscribes: a “lawsuit[] brought primarily to
24 chill the valid exercise of the constitutional rights of freedom of speech and petition for the redress of
25 grievances.” CIV. PROC. CODE § 425.16(a).

26 _____
27 ¹ All future statutory references are to the Code of Civil Procedure unless otherwise indicated.

28 ² For example, her fingerprints were all over the Sunroad Tower debacle more than a decade ago that
required the owner of an office building near Montgomery Field to reduce the building’s height by
removing floors. Eventually a search warrant was executed, and her name appears many times in law
enforcement’s justification for the warrant. *See, e.g.*, 1 OMEE DT Ex. 22, pp. ESC000301 &
ESC000303-305.

1 **II. FACTUAL AND PROCEDURAL BACKGROUND**

2 OMEE is one of three shareholders of The Atlantis Group, a land-use consultancy corporation,
3 and she is the “main shareholder.” 1 OMEE DT 12:8-13:2; 2 OMEE DT 233:5-7.³ Her company
4 helped with submitting the All Peoples Church’s application to the City of San Diego for the
5 development of a church campus (across from SDSU), and the project has remained under review by
6 the City continuously since the application was submitted several years ago. *Id.*, 80:6-81:10. The
7 project will ultimately have to be approved by the San Diego City Council. *Id.*, 53:14-18. Her company
8 has had a continuous contract with All Peoples Church since being hired sometime around 2019 and
9 is being paid for its work on the project; her company took on the project voluntarily, without coercion,
10 and “is guiding All Peoples Church through the city review and approval process.” 1 OMEE DT 52:10-
11 53:13, 55:2-8, 58:15-59:1, 61:12-19.

12 One of the goals of OMEE’s involvement with the All Peoples Church project is to get it
13 approved and permitted. 1 OMEE DT 66:22-25. She has attended numerous public meetings
14 concerning the project and identified herself there as one of the Church’s representatives on the project.⁴
15 *See, e.g., id.*, 78:9-23 (attended planning-commission meeting as representative), 84:3-15 (attended June
16 2018 meeting as representative), 85:8-12 (attended May 2019 meeting as representative), 86:23-87:1
17 (attended July 2020 meeting as representative).

18 The All Peoples Church project is controversial, and not merely because it is an anti-homesexual
19 mega-church.⁵ JB Decl., ¶ 6. The primary reason for the controversy is that the project itself will
20 provide no housing despite the housing crisis that the City Council declared and even though OMEE
21 herself has admitted publicly that the City is experiencing a “major housing crisis.” 1 OMEE DT 46:23-
22 47:17 (admitting to using “major housing crisis” and City Council’s declaration), 52:18-19 (admitting

23 _____
24 ³ “1 OMEE DT” refers to Volume 1 of OMEE’s deposition transcript, and “2 OMEE DT” refers to
25 Volume 2 of OMEE’s deposition transcript. When citing to a deposition transcript, JB refers to page
26 number and then line number separated by a colon such that “1 OMEE DT 48:20-49:5” refers to line
27 20 on page 48 through line 5 on page 49 of the first volume of OMEE’s deposition transcript.

28 ⁴ Despite all the public meetings on the project, OMEE cannot recall ever meeting or speaking to JB
and has never heard him conversing with anyone. 1 OMEE DT 26:20-23, 27:2-8, 216:18-23.

⁵ OMEE’s biography brags about her “broad experience in the administration of controversial land use”
– bragging that she does not find to be inaccurate. 1 OMEE DT 23:14-18; Ex. 3, p. 1. She has
promoted herself as a land-use expert in the media too. *See generally id.*, Exs. 25 & 26. As recently
as August 9, 2021, she was included in the *San Diego Business Journal*’s “Women of Influence 50 over
50 for 2021” article based on the success of her land-use consulting firm. *See* JB Decl., ¶ 8; Ex. 29.

1 no housing in project), 199:12-18 (admitting to use of “housing crisis” and no housing in project); JB
2 Decl., ¶ 6. As reported in multiple news articles, the project’s lack of housing has been a major bone
3 of contention among community members. *See* JB Decl., ¶ 6; 1 OMEE DT Exs. 6 & 12-16.

4 JB has remotely attended several public meetings concerning the All Peoples Church project,
5 some of which were also attended by OMEE, and has spoken in opposition to it.⁶ JB Decl., ¶ 5. While
6 he was attending these meetings, he controlled the “SaveDelCerro” Instagram and Twitter accounts but
7 has never run or operated the “Save Del Cerro” Facebook account and none of his social-media
8 accounts has ever been connected to that Facebook account.⁷ *Id.* As noted earlier, he has been speaking
9 against the project at community meetings related to the application and has been educating City
10 officials through social media with two objectives in mind: to make sure that the project is not approved
11 by the City Council; and if it is so approved and litigation to overturn the approval is needed, to make
12 sure that the administrative record fully reflects the project’s deficiencies and the lies that the church’s
13 hired guns spread in service to their client. *Id.*, ¶ 7.

14 OMEE’s cross-complaint accuses JB of disseminating defamatory publications through various
15 social-media accounts (including Facebook). In particular, OMEE alleges:

- 16 • In paragraph 11, that JB published a defamatory
17 Instagram message on December 30, 2020.
- 18 • In paragraph 12, that JB published substantively identical
19 defamatory Instagram and Facebook messages on
20 February 5, 2021.
- 21 • In paragraph 13, that JB published (on an unspecified
22 platform) another defamatory message on February 5,
23 2021.
- 24 • In paragraph 14, that JB published a defamatory
25 Instagram message on February 7, 2021.
- 26 • In paragraph 15, that JB published a defamatory Twitter
27 message on April 8, 2021.

28 ⁶ At her deposition, OMEE ridiculously suggested that JB was “following me around town” to other
community meetings and was “coming after her.” 2 OMEE DT 239:17-240:6. Setting aside that what
she was told by friends is inadmissible hearsay, what she didn’t take into account is that JB owns
properties in those other communities and was speaking to matters that affected them. JB Decl., ¶ 3.

⁷ OMEE admitted during her deposition that she had been told that someone named Michael Livingston
controls the Facebook account. 1 OMEE DT 157:12-16. She also admitted that the extent of her due
diligence to determine who controlled the Facebook account consisted of phone calls and comparing
other social-media accounts to the Facebook account. *Id.*, 168:12-21.

1 See Cross-Compl. (ROA #26), pp. 3-4. When deposed, OMEE admitted that all five of the allegedly
2 defamatory social-media publications⁸ “*relat[e] to [her] involvement in* the All Peoples Church
3 project.” *Id.*, 153:20-25 (relating to Ex. 17), 158:14-18 (relating to Ex. 18), 170:11-15 (relating to Ex.
4 19), 185:11-14 (relating to Ex. 20). 197:7-11 (relating to Ex. 21) (emphasis added). However, she
5 confessed to having no idea what JB did to verify the accuracy of any of the social-media publications
6 she believes he made; when asked whether JB doubted any of the publications when made, she
7 acknowledged that she “can’t speak to what is in Mr. Billauer’s head.” *Id.*, 189:4-19, 212:23-213:6.

8 The public-review process for the All Peoples Church project is still under way. During her
9 deposition, OMEE agreed that her client’s own diagram showing the various steps in that process,
10 which includes several yet-to-be-completed steps, is accurate. See 1 OMEE DT 64:4-8, 66:18-20; Ex.
11 7b, p. 1. Indeed, she testified, the project is “still under consideration and review by the City of San
12 Diego” and has been continuously since the application was first submitted. *Id.*, 81:4-10.

13 OMEE has alleged that “[i]n order to amplify the incendiary comments, Billauer often tags city
14 officials, including City Council members, City Planning Commissions, City Attorney Mara Elliott and
15 Mayor Todd Gloria.” See Cross-Compl., p. 5, lns. 24-26; see also 2 OMEE DT 235:13-14 (“There were
16 also a number of things where Joshua was tagging a number of elected officials.”). Confirming that
17 JB’s efforts to get his opposition message to the City’s decision-makers worked, OMEE testified that
18 she received “calls from members of the, you know, city council” in response to the social-media
19 publications. See 1 OMEE DT 149:1, 151:11. His efforts were so effective that OMEE felt compelled
20 to write a letter to City officials to “dispel a lot of misinformation that was out there including some
21 quite nasty things that were being said by Mr. Billauer at the time about *the project and my involvement*
22 *in the project.*” 1 OMEE DT 79:17-22 (emphasis added).

23 OMEE alleges in her cross-complaint that, as a result of the allegedly defamatory publications,
24 she has “suffered loss of her reputation, shame, mortification, and hurt feelings all to her *general*
25 damage,” but she alleges nothing about special damages. See Cross-Compl., pp. 5-6, ¶ 23 (emphasis
26 added). When JB noticed her deposition, he asked her to produce all writings that support those
27

28 ⁸ She also admitted that Exhibit 17 to her deposition transcript corresponds to paragraph 11 of her cross-complaint; that Exhibit 18 corresponds to paragraph 12; that Exhibit 19 corresponds to paragraph 13; that Exhibit 20 corresponds to paragraph 14; and that Exhibit 21 corresponds to paragraph 15. See 1 OMEE DT 143:9-18, 161:14-20, 170:16-24, 185:7-10, 197:21-23.

1 allegations (among others). See 1 OMEE DT 9:3-10; Ex. 1, p. 3, ¶ 18. She claimed to have withheld
2 nothing.⁹ See 1 OMEE DT 9:11-10:3.

3 III. STANDARD OF REVIEW

4 “A cause of action against a person arising from any act of that person in furtherance of the
5 person’s right of petition or free speech under the United States Constitution or the California
6 Constitution in connection with a public issue shall be subject to a special motion to strike. . . .” CIV.
7 PROC. CODE § 425.16(b)(1). Lawsuits asserting causes of action like these “are commonly known as
8 SLAPP suits (strategic lawsuits against public participation) – litigation of a harassing nature brought
9 to challenge the exercise of protected free speech [or petition] rights.”¹⁰ *Sandlin v. McLaughlin* (2020)
10 50 Cal.App.5th 805, 818.

11 A special motion to strike such a lawsuit, known as an anti-SLAPP motion, must be filed within
12 60 days of service of the offending pleading or any later deadline set by the Court.¹¹ CIV. PROC. CODE
13 § 425.16(f) & (h). “[S]ection 425.16 requires that a court engage in a two-step process when
14 determining whether a defendant’s anti-SLAPP motion should be granted. First, the court decides
15 whether the defendant has made a threshold showing that the challenged cause of action is one ‘arising
16 from’ protected activity.” *In re Episcopal Church Cases* (2009) 45 Cal.4th 467, 477 (citations omitted).
17 Second, “[i]f the court finds such a showing has been made, it then must consider whether the plaintiff
18 has demonstrated a probability of prevailing on the claim.” *Id.*

19 “In making its determination, the court shall consider the pleadings, and supporting and
20 opposing affidavits stating the facts upon which the liability or defense is based.” CIV. PROC. CODE §
21 425.16(b)(2).¹² “[T]he court does not weigh the credibility or comparative probative strength of
22 competing evidence but instead should grant the motion if, as a matter of law, the defendant’s evidence
23

24 ⁹ As explained below, none of the documents proves that she has been generally damaged.

25 ¹⁰ These “suits ‘are brought, not to vindicate a legal right, but rather to interfere with the defendant’s
26 ability to pursue his or her interests.’ . . . The aim is to force the defendants to devote time, energy and
27 money to combat the lawsuit long enough for the plaintiff to accomplish his underlying objectives.”
San Diegans for Open Gov’t v. Har Constr., Inc. (2015) 240 Cal.App.4th 611, 622 (“*Har Constr.*”).

28 ¹¹ This motion is timely based on two Court-approved extensions. See ROA #30 & #38.

¹² Because “it is in the public interest to encourage continued participation in matters of public
significance, and . . . this participation should not be chilled through abuse of the judicial process,” the
anti-SLAPP statute “shall be construed broadly.” CIV. PROC. CODE § 425.16(a).

1 supporting the motion defeats the plaintiff’s attempt to establish evidentiary support for the claim.”
2 *Lien v. Lucky United Properties Inv., Inc.* (2008) 163 Cal.App.4th 620, 709. As with motions for
3 summary judgment, the pleadings “frame the issues” for an anti-SLAPP motion. *Church of Scientology*
4 *v. Wollersheim* (1996) 42 Cal.App.4th 628, 655 (disapproved on other grounds by *Equilon Enterprises*
5 *v. Consumer Cause, Inc.* (2002) 29 Cal.4th 53).

6 The Legislature also enacted Section 425.17, a counterpart to Section 425.16, “which creates
7 several statutory exemptions to the anti-SLAPP statute” for claims that might otherwise fall within the
8 anti-SLAPP law’s reach. *Sandlin, supra*, 50 Cal.App.5th at 818. “Subdivisions (b) and (c) of section
9 425.17, respectively, carve out exceptions to the anti-SLAPP law for (1) actions taken in the public
10 interest and (2) actions against persons engaged in commercial speech. However, subdivision (d) of
11 Section 425.17 imposes limitations on the scope of these exceptions.” *Id.* “Unlike the anti-SLAPP
12 statute, which is ‘construed broadly’ . . . , Section 425.17, subdivision (b)’s exemptions are narrowly
13 construed. * * * The plaintiff [in this case, OMEE] bears the burden of proof as to the applicability of
14 the exemptions.” *Id.* (internal and quotations omitted).

15 IV. DISCUSSION

16 This motion should be granted for the following reasons: (1) the anti-SLAPP statute applies
17 because none of Section 425.17’s exemptions is available to OMEE; (2) JB satisfies Step 1 of the anti-
18 SLAPP analysis because the social-media comments he made online arose from protected activity; and
19 (3) OMEE cannot meet her burden at Step 2 because (i) the comments were made in connection with
20 a public proceeding and are therefore privileged under Civil Code Section 47, (ii) she is a public figure
21 who cannot prove that JB made the comments with malice, (iii) she has no presumed damages and no
22 actual damages, and (iv) none of the comments was defamatory.

23 **A. This Motion Is Not Precluded by Section 425.17**

24 “Before engaging in [the anti-SLAPP] two-step analysis, a court must consider any claims by
25 the plaintiff [*i.e.*, OMEE] that a statutory exemption contained in section 425.17 applies.” *Har Constr.*,
26 *supra*, 240 Cal.App.4th at 622. As such, JB addresses this topic first.

27 Section 425.17 identifies two statutory exemptions. The first one protects lawsuits “brought
28 solely in the public interest or on behalf of the general public” if certain enumerated conditions are met.

1 See CIV. PROC. CODE § 425.17(b) (emphasis added). This exemption does not apply because OMEE
2 is suing to recover money damages for herself.

3 The second exemption protects lawsuits “brought against a person primarily engaged in the
4 business of selling or leasing goods or services . . .” if, once again, certain enumerated conditions are
5 met. See CIV. PROC. CODE § 425.17(c). However, the exemption only applies to statements or conduct
6 by one competitor against another. *Muddy Waters, LLC v. Superior Ct.* (2021) 62 Cal.App.5th 905,
7 919-920. It’s inapplicable here because OMEE and JB are not competitors. See JB Decl., ¶ 2.

8 Accordingly, JB now moves to discussing Steps 1 and 2 of the anti-SLAPP analysis.

9 **B. Step 1: JB’s Conduct Was Protected Activity Covered by Section 425.16**

10 The anti-SLAPP statute defines “act in furtherance of a person’s right of petition or free speech
11 under the United States or California Constitution in connection with a public issue” to include, as
12 applicable here:

- 13 (2) any written or oral statement or writing made in connection with an
14 issue under consideration or review by a legislative, executive, or
judicial body, or any other official proceeding authorized by law,
- 15 (3) any written or oral statement or writing made in a place open to the
16 public or a public forum in connection with an issue of public interest,
or
- 17 (4) any other conduct in furtherance of the exercise of the constitutional
18 right of petition or the constitutional right of free speech in connection
with a public issue or an issue of public interest.

19 CIV. PROC. CODE § 425.16(e)(2)-(4). These protections are disjunctive. Thus, “[u]nder section 425.16,
20 a defendant moving to strike a cause of action arising from a statement made before, or in connection
21 with an issue under consideration by, a legally authorized official proceeding need not separately
22 demonstrate that the statement concerned an issue of public significance.” *Briggs v. Eden Council for*
23 *Hope & Opportunity* (1999) 19 Cal.4th 1106, 1123.

24 As noted in Section II above, OMEE admitted in her deposition that all five of the allegedly
25 defamatory social-media publications “*relat[e] to [her] involvement in* the All Peoples Church project.”
26 See 1 OMEE DT 153:20-25 (relating to Ex. 17), 158:14-18 (relating to Ex. 18), 170:11-15 (relating to
27 Ex. 19), 185:11-14 (relating to Ex. 20). 197:7-11 (relating to Ex. 21) (emphasis added). She admitted
28 as much after testifying that the project is “still under consideration and review by the City of San

1 Diego” and has been continuously since the application was first submitted. *Id.*, 81:4-10. JB’s
2 statements thus fall squarely within the anti-SLAPP statute’s protective embrace. *See, e.g., Averill v.*
3 *Superior Ct.* (1996) 42 Cal.App.4th 1170, 1175-1176 (statements about land-use matter under city
4 review protected); *Midland Pac. Bldg. Corp. v. King* (2007) 157 Cal.App.4th 264, 272 (statements to
5 planning commission and city council protected); *Tuchscher Dev’t Enterprises, Inc. v. San Diego*
6 *Unified Port Dist.* (2003) 106 Cal.App.4th 1219, 1233 (statements about land-use matter of public
7 interest protected).

8 In sum, JB’s allegedly defamatory social-media publications arose from protected activity as
9 described in Section 425.16(e). The burden now shifts to OMEE to prove that her cross-complaint has
10 minimal merit – a burden she cannot meet as a matter of law or as a matter of fact.

11 **C. Step 2: OMEE Cannot Show a Probability of Prevailing on Her Claims**

12 There are four independent reasons why OMEE cannot satisfy her burden on the merits. First,
13 the allegedly defamatory social-media publications about the All Peoples Church project – even if
14 untrue and malicious – were absolutely privileged and thus immune from tort liability under Civil Code
15 Section 47(b). Second, either OMEE is a public figure with respect to the project, the project is a matter
16 of public concern, or both; the social-media publications all related to OMEE’s involvement on the
17 project; but she cannot prove that JB made them with malice or prove that they were false. Third, none
18 of the publications amounted to libel *per se*, meaning that OMEE may not rely on the doctrine of
19 presumed damages but she has not alleged (or proven) special damages. Last but not least, none of the
20 publications made by JB was libelous and instead they amounted to nothing more than non-actionable
21 hyperbole, opinion, rhetorical flourishes, or truth. Each shortcoming is discussed below.

22 **1. JB’s Comments Were Privileged under Civil Code Section 47**

23 With limited exceptions not applicable here, Civil Code Section 47 absolutely immunizes from
24 all tort liability (save malicious prosecution) those publications made “in any (1) legislative proceeding,
25 (2) judicial proceeding, (3) in any other official proceeding authorized by law, or (4) in the initiation
26 or course of any other proceeding authorized by law and reviewable pursuant to Chapter 2 (commencing
27 with Section 1084) of Title 1 of Part 3 of the Code of Civil Procedure. . . .” CIV. CODE § 47(b)(2).
28

1 So broad and absolute is Section 47’s privilege from tort liability that it applies to challenged
2 publications made not only outside paradigmatic official proceedings like city-council meetings and
3 court hearings, but also outside the official tribunal itself in anticipation of the final day of reckoning
4 – even if the publication is irrelevant.

5 The descriptive statutory phrase “in any other official proceeding
6 authorized by law” has been *broadly interpreted to include those
7 proceedings which resemble judicial and legislative proceedings such
8 as administrative boards and quasi-judicial and quasi-legislative
9 proceedings.* * * * In order that the privilege apply, it is *unnecessary
10 that the defamatory matter be relevant or material to an issue before
11 the tribunal* but need only have some proper connection or relation to
12 the proceeding and in achieving its objectives. The *privilege embraces
13 preliminary conversations* attendant upon such proceeding so long as
14 they are in some way related to or connected to the pending or
15 contemplated action.

11 *Tiedemann v. Superior Ct.* (1978) 83 Cal.App.3d 918, 924-925 (emphasis added). *See also Lebbos v.*
12 *State Bar* (1985) 165 Cal.App.3d 656, 668 (holding that communications that prompted investigation
13 by state bar were absolutely privileged); *Briggs, supra*, 19 Cal.4th at 1115 (recognizing that
14 “communications preparatory to or in anticipation of the bringing of an action or other official
15 proceeding are within the protection of the litigation privilege” afforded by Section 47(b) and are
16 equally entitled to protection under anti-SLAPP statute); *Pettitt v. Levy* (1972) 28 Cal.App.3d 484, 488
17 (observing that Section 47 applies to proceedings before planning commissions and city councils even
18 though they’re “not strictly judicial” and extends to anyone opposing land-use matter in question).

19 It has long been settled that the Section 47 privilege applies even when the challenged
20 publication is untrue, for otherwise the privilege would be “entirely useless.” *Snively v. Record*
21 *Publishing Co.* (1921) 185 Cal. 565, 574 (disapproved on other grounds by *Brown v. Kelly*
22 *Broadcasting Co.* (1989) 48 Cal.3d 711); *see also Kramer v. Ferguson* (1964) 230 Cal.App.2d 237, 245
23 (“The defense of privilege under subdivision 3 of section 47 does not depend at all on the truth of the
24 defamatory charge.”). Likewise, the privilege applies to challenged publications made *with or without*
25 *malice.* *Tiedemann, supra*, 83 Cal.App.3d at 924; *cf. Silberg v. Anderson* (1990) 50 Cal.3d 205, 218
26 (rejecting court-developed “interest of justice” requirement for Section 47(b)(2)’s application).

27 Even if the Court assumes for the moment that all five allegedly defamatory social-media
28 publications are untrue, they have all been made in anticipation of the City Council’s eventual

1 consideration of the All Peoples Church project and as part of the ongoing official public-review
2 process – making them absolutely privileged. OMEE has admitted that the project will ultimately have
3 to be approved by the San Diego City Council. *See* 1 OMEE DT 53:14-18. She has admitted that the
4 project is “still under consideration and review by the City.” *Id.*, 81:4-6. She has admitted that all of
5 the allegedly defamatory social-media publications that she’s suing over “*relat[er] to [her] involvement*
6 *in the All Peoples Church project.*” *Id.*, 153:20-25 (relating to Ex. 17), 158:14-18 (relating to Ex. 18),
7 170:11-15 (relating to Ex. 19), 185:11-14 (relating to Ex. 20), 197:7-11 (relating to Ex. 21) (emphasis
8 added). She has admitted that the publications have drawn the attention of members of the City
9 Council. *Id.*, 149:1, 151:11; 2 OMEE DT 235:13-14. And she both (i) alleged that JB “often tags” the
10 City’s officials in order to “amplify” his opposition; and (ii) admitted in her deposition that the
11 publications have been so effective that she had to write a letter to City officials to “dispel a lot of
12 misinformation that was out there including some quite nasty things that were being said by Mr.
13 Billauer at the time about the project and my involvement in the project.” *See* Cross-Compl., p. 5, Ins.
14 24-26; 1 OMEE DT 79:17-22.

15 Made in relation to an active, official City proceeding and in anticipation of potential litigation,
16 JB’s social-media publications are absolutely privileged and this motion should therefore be granted.
17 *See Pettitt, supra*, 28 Cal.App.3d at 490-491 (“The right of private parties to combine and make
18 presentations to an official meeting and, as a necessary incident thereto, to prepare materials to be
19 presented is a fundamental adjunct to the right of access to judicial and quasi-judicial proceedings. To
20 make such preparations and presentations effective, there must be an open channel of communication
21 between the persons interested and the forum, unchilled by the thought of subsequent judicial action
22 against such participants; provided always, of course, that such preliminary meetings, conduct and
23 activities are directed toward the achievement of the objects of the litigation or other proceedings.”).

24 **2. OMEE Cannot Prove that JB Maliciously Posted the Comments**

25 In order to prevail on the merits of her defamation claim, OMEE bears the burden of proving
26 – by clear and convincing evidence – that JB made the allegedly defamatory social-media publications
27 with malice either because she is a public figure, because the project is a matter of public concern, or
28 both. She cannot meet that burden.

1 **a. OMEE Is a Public Figure**

2 Limited-purpose public figures must prove actual malice just as much as all-purpose public
3 figures must.¹³ *See, e.g., Grenier v. Taylor* (2015) 234 Cal.App.4th 471, 483 (noting that if plaintiff is
4 limited-purpose public figure, he must prove defendant’s actual malice in defamation action); *Sipple*
5 *v. Foundation for Nat. Progress* (1999) 71 Cal.App.4th 226, 248 (“Regardless of whether he is an
6 all-purpose public figure, or a limited purpose public figure, appellant has failed to show by clear and
7 convincing evidence that the article was published with malice. Appellant simply failed to show that
8 respondents entertained serious doubts as to the truth of the publication.”).

9 “To qualify as a limited purpose public figure, a plaintiff ‘must have undertaken some voluntary
10 [affirmative] act[ion] through which he seeks to influence the resolution of the public issues involved.’”
11 *Rudnick v. McMillan* (1994) 25 Cal.App.4th 1183, 1190. “[V]oluntary entrance into the fray” of a
12 public land-use decision is enough to turn a private person into a limited-purpose public figure.
13 *Kaufman v. Fidelity Fed. Sav. & Loan Assn.* (1983) 140 Cal.App.3d 913, 921.

14 What factors should this Court consider in determining whether OMEE is a limited-purpose
15 public figure (if she’s not an all-purpose public figure)? The Court of Appeal has provided a roadmap.

16 To characterize a plaintiff as a limited purpose public figure, the courts
17 must first find that there was a public controversy. In a much cited
18 analysis, [a federal precedent] concludes that “[i]f the issue was being
19 debated publicly and if it had foreseeable and substantial ramifications
20 for nonparticipants, it was a public controversy.” The courts must next
21 determine that the plaintiff undertook “some voluntary act through which
22 he seeks to influence the resolution of the public issues involved.” * * *
23 The “courts should look for evidence of affirmative actions by which
24 purported ‘public figures’ have thrust themselves into the forefront of
particular public controversies.” * * * ***It is not necessary to show that
a plaintiff actually achieves prominence in the public debate; it is
sufficient that “[a plaintiff] attempts to thrust himself into the public
eye” or to influence a public decision.*** * * * “Finally, the alleged
defamation must have been germane to the plaintiff’s participation in the
controversy.” * * * Where the issue turns on expert or specialized
knowledge, the plaintiff’s own credentials assume such relevance to the
controversy.

25 *Copp v. Paxton* (1996) 45 Cal.App.4th 829, 845-846 (citations omitted); *see also Balla v. Hall* (2021)
26 59 Cal.App.5th 652, 676 (ruling that developer’s representative who presented at public workshops and
27 communicated with decision-makers had “voluntarily injected himself” into public controversy).

28 _____
¹³ Whether a plaintiff in a defamation action is a public figure is a question of law for the trial court.
Reader’s Digest Assn. v. Superior Ct. (1984) 37 Cal.3d 244, 252.

1 By her own admission, OMEE is attempting to influence a public decision on the All Peoples
2 Church project. See 1 OMEE DT 66:22-25 (admitting that one goal is to get project approved and
3 permitted). She voluntarily assumed the role of the Church’s representative on the project. *Id.*, 58:15-
4 59:1, 61:12-19. She has attended numerous public meetings for the project and identified herself there
5 as one of the Church’s representatives. *Id.*, 78:9-23, 84:3-15, 85:8-12, 86:23-87:1. She has even
6 written a letter to the City’s elected officials. *Id.*, 79:17-22. And for years she has promoted herself in
7 the media as a land-use expert on high-profile projects. See n. 5, *ante*. Thus, she’s a public figure.

8 **b. The All Peoples Church Project Is a Matter of Public Concern**

9 Even if OMEE were not a public figure, her cross-complaint would fail because the All Peoples
10 Church project is a matter of public concern and thus requires her both to disprove the allegedly
11 defamatory publications and to prove by clear and convincing evidence that they were made
12 maliciously. In matters involving public concern, the First Amendment protection applies to non-media
13 defendants (*i.e.*, people like JB) and puts the burden of proving falsity of the statement on the party
14 alleging defamation. *Nizam-Aldine v. City of Oakland* (1996) 47 Cal.App.4th 364, 375; *Brown, supra*,
15 48 Cal.3d at 747. Further, when the subject is a public concern, a private figure “must also prove *New*
16 *York Times* malice [by clear and convincing evidence] . . . to recover presumed or punitive damages.”
17 *Id.* (citing *Gertz v. Robert Welch, Inc.* (1974) 418 U.S. 323, 348).

18 The All Peoples Church project is a matter of public concern because it involves governmental
19 matters and has the potential to affect a large segment of the community. See *Balla, supra*, 59
20 Cal.App.5th at 673-674 (noting that “public issue includes conduct that could directly affect a large
21 number of people beyond the direct participants and a topic of widespread, public interest”); *Copp,*
22 *supra*, 45 Cal.App.4th at 845 (“[i]f the issue was being debated publicly and if it had foreseeable and
23 substantial ramifications for nonparticipants, it was a public controversy”); 1 OMEE DT 109:15-18
24 (admitting that project will have multiple significant community benefits).

25 **c. OMEE Cannot Prove Actual Malice Clearly and Convincingly**

26 Even if OMEE could prove that the publications are false,¹⁴ she cannot prove actual malice by
27 clear and convincing evidence because “malice focuses on the [cross-]defendant’s state of mind, not
28

¹⁴ Because OMEE has the burden of proving falsity, JB will have nothing more to say on this point until seeing her opposition papers.

1 his conduct.”¹⁵ *Cornell v. Berkeley Tennis Club* (2017) 18 Cal.App.5th 908, 949. “Actual malice is
2 judged by a **subjective** standard; otherwise stated, there must be sufficient evidence to permit the
3 conclusion that the defendant . . . had a high degree of awareness of . . . probable falsity.” *Khawar v.*
4 *Globe Intern., Inc.* (1998) 19 Cal.4th 1073A, 275 (internal quotations omitted; emphasis added).

5 In this regard, OMEE admitted that she has no idea what JB did to verify the accuracy of any
6 of the social-media publications she believes he made; and when asked whether JB doubted any of the
7 publications when made, she acknowledged that she “can’t speak to what is in Mr. Billauer’s head.”
8 See 1 OMEE DT 189:4-19, 212:23-213:6. Consequently, she cannot prove actual malice and her claim
9 against JB will fail as a matter of law.

10 **3. The Allegedly Defamatory Social-Media Publications Are Not Libelous Per**
11 **Se, General Damages May Not Be Presumed, and Special Damages Are Not**
12 **Alleged**

13 A published defamatory statement is actionable when it is libelous *per se* or results in special
14 damages. CIV. CODE § 45a. “Statements constitute libel *per se* when a listener could understand the
15 defamatory meaning without the necessity of knowing extrinsic explanatory matter. * * * Courts have
16 viewed false statements . . . tending directly to injure a plaintiff in respect to his or her profession by
17 imputing dishonesty or questionable professional conduct [to be] defamatory *per se*. * * * Whether
18 a statement is reasonably susceptible of [a defamatory *per se*] interpretation is a question for the court;
19 whether it “was so understood is a question for the jury.” *Balla, supra*, 59 Cal.App.5th at 686 (internal
20 quotations and citations omitted).

21 None of JB’s allegedly defamatory statements was libelous *per se*, and damages may not be
22 presumed, because as a matter of law there were no false factual elements for anyone to understand.
23 JB did not publish Exhibits 18 and 19. See JB Decl., ¶ 5 (denying involvement with Facebook account);
24 1 OMEE DT 157:12-16 (admitting to being told that Michael Livingston controls Facebook account).
25 Exhibit 17 was hyperbolic opinion and based on a search warrant. See JB Decl., ¶ 10. Exhibit 20
26 accurately identified her role in the project and was otherwise more hyperbolic opinion. See *id.*, ¶ 12.
27 The same is true for Exhibit 21. See *id.*, ¶ 13. Thus, OMEE has no presumed general damages.

15 Significantly, “maliciousness cannot be derived from negligence.” *Bierbower v. FHP, Inc.* (1999)
70 Cal.App.4th 1, 9.

1 Because OMEE’s general damages may not be presumed, she will have to prove special
2 damages. However, she has not even alleged that she suffered such damages. Her cross-complaint is
3 limited to alleging that her damages are the result of libel *per se* and “general damage.” See Cross-
4 Compl., pp. 5-6, ¶¶ 21-23. Because this motion focuses on her pleading, she is precluded from trying
5 to introduce evidence of special damages in opposition to the motion. CIV. PROC. CODE § 425.16(b)(2)
6 (limiting court to review of pleadings and affidavits on which alleged liability is based); *Salma v. Capon*
7 (2008) 161 Cal.App.4th 1275, 1294 (concluding that allowing amendment of complaint subject to
8 pending anti-SLAPP motion would defeat statute’s purpose). Even her written discovery responses
9 admit that if anyone suffered special damages, it was The Atlantis Group rather than OMEE in her
10 individual capacity. See Briggs Decl., ¶¶ 2-5; Ex. 30, pp. 2-3. Any claim that she suffered special
11 damages as a flesh-and-blood litigant *separate from* her corporation will therefore necessarily fail.

12 **4. The Allegedly Defamatory Social-Media Publications Are Opinion,**
13 **Hyperbolic, or Substantially True**

14 OMEE’s cross-complaint will fail for yet another reason: the allegedly defamatory publications
15 are either opinions, hyperbole, or largely true.

16 The expression of opinion may not become the basis for defamation. *Taus v. Loftus* (2007) 40
17 Cal.4th 683, 720. In this vein, “it is not the literal truth or falsity of each word or detail used in a
18 statement which determines whether or not it is defamatory; rather, the determinative question is
19 whether the ‘gist or sting’ of the statement is true or false, benign or defamatory, in substance.” *Issa*
20 *v. Applegate* (2019) 31 Cal.App.5th 689, 702. “The concept that it is the gist or sting of the alleged
21 defamatory statements that must be false rather than the specific details of the charge is deeply rooted
22 in our common law.” *Weller v. American Broadcasting Companies, Inc.* (1991) 232 Cal.App.3d 991,
23 1009. “California law permits the defense of substantial truth and would ***absolve a defendant even if***
24 ***she cannot ‘justify every word*** of the alleged defamatory matter; it is sufficient if the substance of the
25 charge be proved true, ***irrespective of slight inaccuracy in the details.***” *GetFugu, Inc. v. Patton Boggs*
26 *LLP* (2013) 220 Cal.App.4th 141, 154 (emphasis added).

27 “In evaluating the effect a publication has on the average reader, the challenged language must
28 be viewed ***in context*** to determine whether, applying a ‘totality of the circumstances’ test, it is

1 reasonably susceptible to the defamatory meaning alleged by the plaintiff: ‘[A] defamatory meaning
2 must be found, if at all, in a reading of the publication as a whole.’ * * * ‘This is a rule of reason.
3 Defamation actions cannot be based on snippets taken out of context.’” *J-M Mfg. Co., Inc. v. Phillips
4 & Cohen LLP* (2016) 247 Cal.App.4th 87, 100 (internal citations omitted; emphasis added). “[B]ecause
5 a defamatory statement (or trade libel) must contain a provable falsehood, mere opinions are not
6 actionable unless the published statement declares or implies a provably false assertion of fact.” *Id.*

7 “[S]atirical, hyperbolic, imaginative, or figurative statements are protected because the context
8 and tenor of the statements negate the impression that the author seriously is maintaining an assertion
9 of actual fact.” *Ruiz v. Harbor View Community Assn.* (2005) 134 Cal.App.4th 1456, 1471 (internal
10 quotations omitted).

11 In context, none of the allegedly defamatory publications is actionable. As noted above, JB
12 made none of the Facebook publications (*i.e.*, Exs. 18 & 19) and has never had any control over that
13 account. His comment in Exhibit 17 about OMEE’s history of exerting improper influence is based on
14 a search warrant. *Cf.* 1 OMEE DT Ex. 17 (comment); Ex. 22, p. ESC000301 (describing improper-
15 influence process), pp. ESC000303-305 (referring repeatedly to OMEE’s involvement in permitting
16 process that was subject of warrant). His comments in Exhibit 20 were true – she used to work for the
17 City and was involved in the Sunroad scandal – and were prompted by her own prior statements about
18 Save Del Cerro members. *See, e.g.*, 1 OMEE DT Ex. 22, pp. ESC000303-305 (search warrant
19 describing OMEE’s involvement in Sunroad scandal). Exhibit 21 never uses her name, refers only to
20 her firm and to the project, and correctly notes OMEE’s prior statement about the existence of a housing
21 crisis. *See* 1 OMEE DT 199:12-18 (admitting to use of “housing crisis” and no housing in project).

22 Looking at the totality of the circumstances, the Court should conclude that the publications (*i*)
23 were essentially an expression of opinion or hyperbole; and (*ii*) to the extent they made factual
24 assertions, were substantially true or, at a minimum, have not been definitively proven false by OMEE.

25 V. CONCLUSION

26 For the foregoing reasons, JB has met his burden of showing that OMEE’s cross-complaint arose
27 from his protected activity of making public statements in public forums about a matter of public
28 concern. JB accordingly requests that the Court grant this anti-SLAPP motion.¹⁶

¹⁶ Per this motion’s notice, JB will file a separate motion or cost memorandum to recover attorney fees.

**PLAINTIFF AND CROSS-DEFENDANT JOSHUA BILLAUER'S OPENING BRIEF IN
SUPPORT OF SPECIAL MOTION TO STRIKE DEFENDANT AND CROSS-
COMPLAINANT OLGA MARCELA ESCOBAR-ECK'S CROSS-COMPLAINT**

Declaration of Joshua Billauer

1 **DECLARATION OF JOSHUA BILLAUER**

2 I, Joshua Billauer, am over the age of 18 years and if called as a witness in this lawsuit will
3 testify as follows:

4 1. My family and I have lived in the Del Cerro neighborhood of the City of San Diego since
5 2003. One of the reasons why my family and I chose our neighborhood is because of the City’s land-
6 use designations for the neighborhood. I believe that the current designations allow for the highest and
7 best use of the land in the neighborhood and provide for the highest quality of life for the
8 neighborhood’s residents.

9 2. I have worked as a financial advisor for Wells Fargo Advisors (including its predecessors
10 in interest) since 1998, except for a hiatus from 1999 to 2001 when I worked for Morgan Stanley. Olga
11 Marcela Escobar-Eck (“OMEE”) and I are not and have never been business competitors, and I have
12 never worked in the land-use field.

13 3. I own several residential properties that I rent out in the College Area. I often attend
14 community planning-group meetings when their subject matter has some bearing on my rental
15 properties.¹ I have attended several such meetings (remotely via Zoom) and have spoken on agenda
16 items that had the potential to affect my rental properties. On more than one occasion, OMEE was also
17 in attendance and would speak on agenda items; sometimes she and I would speak on the same item,
18 and sometimes we would speak on different items. However, on all such occasions I attended the
19 meetings without any prior knowledge that OMEE would also be in attendance. I found out that she
20 was present only when she began to speak on the item, and she and I did not speak with each other at
21 those meetings.

22 4. OMEE and I have never met each other in person and have never spoken to each other
23 in person or otherwise. The only direct communication I have ever had with her occurred via a private
24 message during an online “Zoom” community meeting at which OMEE was making a land-use
25 presentation on behalf of her client. She and I were the only two people involved in that direct
26 communication. It was not visible to any other person, and I did not share it with any other person.

27 _____
28 ¹ Community planning groups are officially recognized by the City of San Diego as localized land-use review boards. They solicit input from the public on proposed development projects and make recommendations to hearing officers, the Planning Commission, the City Council, the Mayor, and the City Attorney.

1 5. I have attended several public meetings (remotely via Zoom) concerning the All Peoples
2 Church project, some of which were also attended by OMEE, and I have spoken in opposition to it. At
3 the time I attended those meetings, I controlled the “SaveDelCerro” Instagram and Twitter accounts but
4 I have never run or operated the “Save Del Cerro” Facebook account and none of my social-media
5 accounts has ever been connected to that Facebook account. I did not draft, encourage, promote, or
6 have any other involvement whatsoever with the Facebook publications that OMEE claims in this
7 lawsuit to have been defamatory (*viz.*, Exhibits 18 and 19 to her deposition transcript).

8 6. The All Peoples Church project is controversial, and not merely because it is an
9 anti-homosexual mega-church (which is not the reason why I oppose it). The proposed site is currently
10 zoned for residential uses, which I fully support because the City of San Diego desperately needs more
11 housing, but the project itself will not provide any housing. I have heard my neighbors raise this
12 concern and others about the project, such as increased traffic without adequate traffic-alleviating
13 infrastructure. There has been a substantial amount of press coverage of the controversy surrounding
14 the project over its lack of housing and other adverse community impacts. Attached to the OMEE’s
15 deposition transcripts as Exhibits 6 and 12-16 are true and correct copies of news articles about the
16 project that I read shortly after they were published.

17 7. I have been speaking against the All Peoples Church project at community meetings
18 related to the project’s application for land-use entitlements and other approvals from the City of San
19 Diego. I have been educating City officials through social media with two objectives in mind: to make
20 sure that the project is not approved by the City Council; and if it is so approved and litigation to
21 overturn the approval is pursued by me or any organization with which I am associated, to make sure
22 that the administrative record fully reflects the project’s deficiencies and the lies that the church’s hired
23 guns – land-use consultants like OMEE – spread in service to the church.

24 8. I regularly read the *San Diego Business Journal*. On August 9, 2021, I read its “Women
25 of Influence 50 over 50 for 2021” article, which included OMEE and her land-use consulting firm as
26 one of its subjects. Attached hereto as Exhibit 29 is a true and correct copy of that article.

27 9. Prior to publishing the Instagram and Twitter publications that OMEE claims in this
28 lawsuit to have been defamatory, I performed a substantial amount of factual research about her history

1 as a land-use professional; my research included but was not limited to reviewing news accounts and
2 public records over the last 20 years and interviewing former public officials and other community
3 members who have worked with OMEE. One of the things that concerned me greatly was her
4 involvement in the Sunroad Tower debacle nearly 15 years ago. She worked for the City of San Diego
5 when the permits for that project were issued. Eventually a search warrant was issued and executed
6 because of the many improprieties surrounding the Tower's approval by the City, and OMEE's name
7 appears many times in the probable-cause statement attached to the warrant (all of which the Superior
8 Court eventually unsealed in response to media requests); a true and correct copy of the warrant and the
9 materials attached thereto is attached to OMEE's deposition transcript as Exhibit 22.

10 10. My social-media post reflected in Exhibit 17 to OMEE's deposition transcript is based
11 on language in the aforementioned search warrant. The second paragraph on the first page of the
12 warrant's probable-cause statement (numbered "Page 1 of 12") explains that one of the ways people try
13 to influence government decision-making is by hiring former public officials to exploit their knowledge
14 or to exploit their relationships with current officials. The warrant then goes on to discuss OMEE and
15 Tom Story and their involvement on the Sunroad Tower project and how OMEE and Mr. Story (who
16 had left the City and was then hired by a developer) proverbially scratched each other's back. My
17 social-media post is based on my reading of the warrant and based on news reports surrounding that
18 project, and my post even mentions the search warrant. What is described in the warrant about OMEE
19 and Mr. Story is improper behavior – or at least it appears that way or else no warrant would have been
20 issued in the first place. Accordingly, I firmly believe that everything factual in Exhibit 17 is
21 substantially true; the balance is, and was always intended to be, hyperbole and my opinion.²

22 11. I also reviewed the City's database of lobbyist registrations and disclosures³ and
23 discovered that a substantial number of controversial and (in my opinion) harmful development projects
24 approved by the City over the years were ushered through by OMEE. After reviewing the City's
25 archives of the public meetings on projects involving OMEE, I noticed a trend: many members of the

26
27 ² While Exhibit 19 to OMEE's deposition transcript accurately quotes a portion of the warrant's
28 probable-cause statement, I did not have any involvement whatsoever in the preparation of that social-
media publication. The warrant is available to anyone through the Court's files or from media outlets.

³ While Exhibit 18 to OMEE's deposition transcript shows an accurate copy of one of her lobbying
disclosures, I did not have any involvement whatsoever in the preparation of that social-media
publication. The disclosures are available to anyone on the City's website.

1 public believed that the project was being misrepresented and would ultimately be more damaging to
2 the community than OMEE was claiming.

3 12. I drafted the social-media publication reflected in Exhibit 20 to OMEE’s deposition
4 transcript partly to share my research about the controversial projects in which she has been involved,
5 so that the public and City officials would be able to see just how many of her projects turn out to be
6 bad for the community. That is why the publication urges people to “Just Google ‘Marcela Escobar Eck
7 Sunroad.’” The publication is factual in all other respects too. For example, I have seen many social-
8 media posts by OMEE in support of the LGBTQ community because, her posts revealed, one of her
9 children is a member. Yet the All Peoples Church is an anti-gay church, which I know to be true from
10 my independent research. OMEE corroborated my observations and research during her deposition.
11 She admitted both that “I know that they, just like any Christian church, have issues with anything that’s
12 not a male/female relationship”; and that her kid is LGBTQ. *See* 2 OMEE DT 242:10-16. I therefore
13 firmly believe that everything factual in Exhibit 20 is substantially true; the balance is, and was always
14 intended to be, hyperbole and my opinion.

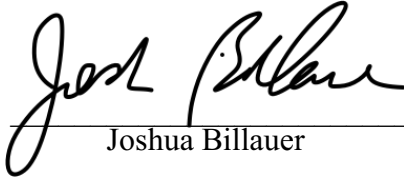
15 13. Throughout my research, I also found reports of OMEE claiming that the City and the
16 region were experiencing a crisis due to the lack of affordable housing. Those reports were entirely
17 consistent with my own personal observation at a public meeting that I attended (remotely via Zoom)
18 for the College Area Community Planning Board on April 7, 2021, when OMEE testified that the City
19 needs more housing due to the current crisis in the lack of affordable housing. I drafted the social-
20 media publication reflected in Exhibit 21 to OMEE’s deposition transcript to point out to the public and
21 City officials that OMEE as a paid land-use consultant and lobbyist is being a hypocrite in claiming at
22 one meeting that the City is experiencing a housing crisis but then advocating around the same time at
23 another meeting for the All Peoples Church project that the City does not need more housing. As with
24 my other two social-media publications about OMEE, I firmly believe that everything factual in Exhibit
25 21 is substantially true; the balance is, and was always intended to be, hyperbole and my opinion.

26 14. I have nothing against OMEE personally. Based on my factual research, I have sincere
27 concerns about her credibility as a land-use consultant. In addition, I have sincere concerns about the
28 community benefits that she promises on behalf of her land-use clients in order to garner government

1 approval, compared to the community benefits that actually materialize. I have used the social-media
2 publications reflected in Exhibits 17, 20, and 21 to OMEE's deposition transcript in order to
3 communicate my concerns to City officials and members of the public participating in the official
4 review process for the All Peoples Church project. I have made use of social media solely in
5 furtherance of the two objectives that I described above (*viz.*, trying to influence the outcome of the
6 City's review process and preparing for litigation if it proves necessary).

7 I declare under penalty of perjury under the laws of the State of California that the foregoing is
8 true and correct.

9 Date: August 18, 2021.



Joshua Billauer

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**PLAINTIFF AND CROSS-DEFENDANT JOSHUA BILLAUER'S OPENING BRIEF IN
SUPPORT OF SPECIAL MOTION TO STRIKE DEFENDANT AND CROSS-
COMPLAINANT OLGA MARCELA ESCOBAR-ECK'S CROSS-COMPLAINT**

Declaration of Cory J. Briggs

1 **DECLARATION OF CORY J. BRIGGS**

2 I, Cory J. Briggs, am over the age of 18 years and if called as a witness in this lawsuit will testify
3 as follows:

4 1. I am an attorney licensed to practice law before all courts of the State of California. I
5 am one of the attorneys of record for Plaintiff and Cross-Defendant Joshua Billauer (“JB”) in this
6 lawsuit against Olga Marcela Escobar-Eck (“OMEE”).

7 2. During her deposition, OMEE could not testify about how much money she, as opposed
8 to her land-use consultancy (The Atlantis Group), has lost as a result of the allegedly defamatory social-
9 media publications by JB, and her lawyers objected to the questions and insisted that they be asked
10 through written discovery. JB therefore served interrogatories on OMEE concerning her damages and
11 related matters. Attached hereto as Exhibit 30 is a true and correct copy of OMEE’s verified responses
12 to JB’s interrogatories.

13 3. In OMEE’s response to Special Interrogatory no. 1, she asserted that her damages are
14 \$52,531.25. In her response to Special Interrogatory no. 2, she explained the basis for her answer to
15 the preceding interrogatory as follows: “From January 2021 to June 2021, Responding Party billed All
16 Peoples Church 23.75 hours which were discounted \$100.00 per hour for a loss of \$2,375.00. [¶] In
17 January 2021, Responding Party had 7 unbilled hours at a \$375.00 hourly rate for Montezuma
18 Residential for a loss of \$2,625.00. [¶] From November 15, 2020 to June 30, 2021, Responding Party
19 had a total of 97.5 nonbillable hours to All Peoples Church at average hourly rate of \$487.50 per hour
20 for a loss of \$47,531.25.”

21 4. However, OMEE testified during her deposition that she works for her clients through
22 The Atlantis Group, not directly. *See, e.g.*, 1 OMEE DT 12:6-13 (admitting employment by The
23 Atlantis Group), 53:9-13 (admitting to consulting for All Peoples Church through The Atlantis Group).

24 5. Consequently, OMEE has no damages of her own.

25 6. Accompanying JB’s notice of lodging of deposition transcripts for this motion are true
26 and correct copies of OMEE’s deposition transcripts and the exhibits thereto provided to my office by
27 the court reporters who took the depositions.
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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: August 18, 2021.

Cory J. Briggs
Cory J. Briggs

**PLAINTIFF AND CROSS-DEFENDANT JOSHUA BILLAUER'S OPENING BRIEF IN
SUPPORT OF SPECIAL MOTION TO STRIKE DEFENDANT AND CROSS-
COMPLAINANT OLGA MARCELA ESCOBAR-ECK'S CROSS-COMPLAINT**

Exhibit 29



STACY ANFUSO
La Jolla Logic



DR. TINA ATHERALL
PsychArmor



MARCI BAIR
Bair Financial Planning



GINNY BENEKE
Chairmen's RoundTable



ANNE BENGE
Cultura



AMY BREEN
Teva Pharmaceuticals



JANICE BROWN
Meyers Nave



KAREN BURGES
NAIOP San Diego



CANDACE CARROLL
Sullivan Hill Rez & Engel



KATHLEEN CASHMAN-KRAMER
Sullivan Hill Rez & Engel



LISA CHAN
Wheelhouse Credit Union



DEBBIE CHELBERG
Marsh & McLennan Agency



SUSAN COUCH
Bank of America



DARLENE DAVIES
Ranch & Coast Magazine



CHRISTINA de VACA
Corporate Directors Forum



JODI DIAMOND
Boys & Girls Clubs of Oceanside



MARCELA ESCOBAR-ECK
Atlantis Group Land Use Consultants



LAURIE FISHER
LMA Marketing and Advertising



KIM FOLSOM
Founders First Capital Partners



MIREILLE GILLINGS
HUYABIO International



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Ranch & Coast Magazine



DR. SUSAN HECTOR
CRITCA



TINA HOWE
Bill Howe Family of Companies

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DermTech



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Bank of Southern California



JENNIFER KRAUS
Source Intelligence



LYNN LACHAPELLE
JLL



SANDRA MAAS
Women's Museum of California



JENNIFER MCCARTHY
Suffolk



GIOIA MESSINGER
LinkedObjects, Inc.



SHANNA MISSETT
Jazzercise, Inc.



JULI MORAN
Deloitte



ANDREA NAVERSEN
Ranch & Coast Magazine



DONNA OTIS
The Brides at Rancho Santa Fe



CHÉRI PIERRE
Computers 2 Kids



WENDY PURVEY
Pacific Sotheby's International Realty



RENEE SAVAGE
Casavida



TANYA SCHIERLING
Solomon Ward Seidenwurm & Smith LLP



KATHY SCOTT
Neurana Pharmaceuticals, Inc.



JUDI SHEPPARD MISSETT
Jazzercise, Inc.



DEEANNE SNYDER
San Diego Convention Center



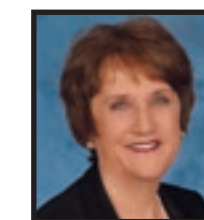
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cStone & Associates



SHANNON SWEENEY
Sullivan Hill Rez & Engel



CAROLYN TAYLOR
Weatherly Asset Management



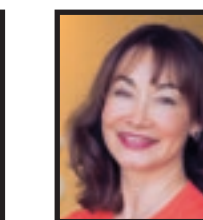
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Identity Theft Resource Center



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TABLE OF CONTENTS

August 9 – 15, 2021 | Vol. 42, No. 32



8 A piece of Coronado



11 Pro-chef hacks for home kitchens

AUTOMOTIVE

1 **EVS:** Coalition including SDG&E pushes for electric vehicles; need for robust charging network seen by 2030

DEFENSE

10 **SHIPBUILDING:** Lead ship in U.S. Navy oiler class christened at General Dynamics NASSCO yard

10 **AEROSPACE:** General Atomics Aeronautical Systems occupied with business from U.K., Netherlands

DEVELOPMENT

1 **CONSTRUCTION:** \$10 million gift from Daniel and Phyllis Epstein gives UC San Diego amphitheater a boost

8 **MULTIFAMILY:** Condos at the Hotel Del Coronado sell briskly prior to their completion

FINANCE

4 **PRIVATE EQUITY:** High Bluff Capital Partners agrees to buy Church's Chicken, surpasses \$1 billion in acquisitions

HEALTHCARE

6 **LEADERSHIP:** Executive Q&A with Michelle D. Gonzalez, president and CEO of TrueCare

9 **MENTAL HEALTH:** Blue Shield provides \$500,000 to develop workforce

HOSPITALITY

11 **RESTAURANTS:** Michelin to announce San Diego additions to guide in September

MANUFACTURING

3 **BIOTECHNOLOGY:** Chemical maker Genomatica receives \$118 million Series C round led by Novo Holdings

9 **BREWING:** Hard kombucha maker Boochcraft enters East Coast markets

11 **FOOD:** Restaurateur Brian Malarkey launches Chefs Life line of cooking oils

REAL ESTATE

4 **MARKETING:** Guest House employs 13 people in staging homes for sale

38 **RETAIL:** Executives from CBRE, JLL and HP Investors ponder the speed of the recovery

38 **AWARDS:** Design-Build Institute of America honors three projects

SDBJ INSIDER

3 Quality Care

SPECIAL SECTIONS

17 **WOMEN OF INFLUENCE 50 OVER 50 2021:** Honoring accomplishments in diverse fields

37 **PEOPLE ON THE MOVE:** New hires and promotions

42 **MARKETPLACE**

42 **LEGAL NOTICES**

TECHNOLOGY

1 **WIRELESS:** Qualcomm quarterly revenue exceeds \$8 billion

1 **CYBERSECURITY:** Deloitte buys Navy contractor Sentek Global, San Diego office grows

TOURISM

3 **MEETINGS:** 1,400 people turn out for first post-COVID event at San Diego Convention Center; 70 events scheduled through June

THE LIST

14 **COMMERCIAL PROPERTY MANAGEMENT COMPANIES:** Meissner Commercial Real Estate Services has the top spot on SDBJ's List of Commercial Property Management Companies

THE INDEX

45 People, associations, companies and organizations

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STACEY ANFUSO
PRESIDENT & CEO

Stacey Anfuso is the founder, president and CEO of La Jolla Logic, Inc., a cybersecurity and advanced technology engineering firm supporting the US Department of Defense (DoD). She is an industry-recognized entrepreneur and accomplished scientist and cybersecurity engineer. As a pioneer of Innovation in Cybersecurity technology in the Aerospace Defense Sector, Anfuso has made significant strides in improving the U.S. Navy's cyber posture on its enterprise networks through the application of Artificial Intelligence and Machine Learning techniques. Prior to her engineering and leadership roles in the cyber and national defense communities, Anfuso spent nearly a decade as a sea-going oceanographic researcher traveling extensively in support of field research programs around the world.

She holds Bachelor and Master of Science degrees and has been a practicing cybersecurity engineer supporting the US Department of Defense for over 20 years and she currently maintains the advanced credential of Certified Information System Security Professional (CISSP).



TINA ATHERALL
CEO

Tina Atherall, Ph.D. serves as chief executive officer of PsychArmor. Atherall specializes in social innovation strategy with a concentration in non-profit and social enterprise leadership. As the CEO of PsychArmor, she educates and advocates for critical support for military-affiliated communities. She has embedded her career in the field of social work innovation and leadership and obtained her Doctor of Social Work (DSW) from the University of Southern California. Her recent work focuses on the 12 Grand Challenges for Social Work to eradicate the public health crisis of social isolation, specifically the challenges of the military family.

Atherall has advanced certificates in nonprofit leadership, military family readiness, military social work, and is a Certified Daring Way Facilitator. She is an Associate Adjunct Professor at Columbia University School of Social Work and University of Kentucky. She is currently a scholar with the Bush Center Stand-To Veteran Leadership Program as a Bush Fellow.



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MARCI BAIR
PRESIDENT

Marci Bair is the president and founder of Bair Financial Planning. She is a native of San Diego and a Certified Financial Planner (CFP) with more than 29 years of experience working with Women in Leadership, LGBTQ+ families and progressive business owners to help them work toward their goals and pursue what's important to them. She started her financial planning company at age 25 when there were very few women in the financial planning and investment industry.

Bair believes that as a conscious business leader we can make a positive impact through environmental sustainability, social responsibility and corporate governance (ESG) which is why they created their High Impact Investment Portfolios to allow their clients to align their money with their values. As a boutique wealth management firm with national resources, Bair and her team have created a comprehensive practice to meet the needs of their clients to pursue what is important to them. Contact: Marci@BairFinancialPlanning.com (619) 851-3468



GINNY BENEKE
BOARD CHAIRMAN

Ginny Beneke is board chairman of Chairmen's RoundTable. She is a C-Level executive with 35+ years' experience in major worldwide corporations (Xerox, Exxon, AT&T), midsize businesses and smaller organizations in both technology and education. In positions of CEO, president/GM and CMO, she has a proven track record of successfully and strategically transforming, building and re-engineering high-impact businesses. For over 20 years, Beneke has served in executive positions in the San Diego market, helping the success of local businesses. She currently consults, but spends a lot of her time giving back to the community. She dedicates a lot of her time to advisory and non-profit boards and committees. Most notably, she is currently the chairman (the first female chair in the history of the organization!) of Chairmen's RoundTable, an active organization of former CEOs and successfully exited business owners that provides pro-bono mentoring to current CEOs. Since 1997 Chairmen's RoundTable has helped over 600 organizations achieve strategic objectives.



CHÉRI PIERRE

COMPUTERS 2 KIDS CEO



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ANNE BENGE
CEO

Anne Bengé is CEO of Cultura. Bengé is a dynamic leader who empowers the Cultura team to be bold in its creativity, fostering a culture of innovation and inclusion. She challenges the status quo, and is always curious of emerging trends in business and how these relate back to Cultura and its clients. Her background in Cultural Anthropology is indicative of how she approaches projects. She is intrigued by the people and processes that make a company unique and how Cultura can impact these organizations, enabling them to do their best work. Figuring out why she matters and that her love for culture, people and design can profoundly change many lives is what is most interesting to her. In 2020, Cultura supported 10,000 workers and created places where they could love to work. Bengé is the leader of the DEI CREW Taskforce, a member of the Biocom DEI Taskforce and a member of Biocom's Return to Work Taskforce for COVID-19.



AMY BREEN
REGIONAL MANAGER

Amy Breen is the regional manager at Teva Pharmaceuticals. Breen was a founder of the Branded Division Teva Pharmaceuticals and with her team launched their first branded drug to go over \$1 billion in sales in less than two years. Focused on professionalism and leadership, Breen has been a groundbreaking leader since her graduation from USC. Before Teva Pharmaceuticals, she was the first woman sales executive with Miller Beer breaking the mold by also being the first non-NFL player to sell Miller Beer. She has been extremely active in her community serving on various boards and she also reads to children on weekends at the Carlsbad Library. Breen has also served on the boards for the University of San Diego School of Business and is active with the University of Southern California School of Business and their alumni association. She resides in Cardiff with her husband and their two Schnauzers, Ava and Frankie.



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JANICE BROWN
PRINCIPAL

Janice Brown is a principal in Meyers Nave's Labor and Employment Law Practice, Workplace Investigations Practice and Commercial Litigation Practice. She has more than 35 years of trial, arbitration and appellate experience in state and federal courts. Brown's career began in the U.S. Justice Department where she quickly demonstrated expertise that earned her membership in the Honors Program and the "Outstanding Trial Attorney" and "Trial Lawyer of the Year" awards in under three years.

Brown is recognized as a pioneer in the legal profession, as well as a trusted adviser to clients, a mentor to colleagues and a leader in advancing diversity throughout the legal profession.

She is regularly asked to speak and consult on diversity, equity and inclusion issues. Active in her legal and local community, Brown has been selected by Senators Boxer, Harris and Padilla to help select federal judges for lifetime employment. She is the former chairwoman of the San Diego Economic Development Corporation and is a member of its executive committee.



KAREN BURGESS
EXECUTIVE DIRECTOR

Karen Burges serves as executive director of NAIOP San Diego. She works with association members and prospective members to create lasting experiencing through networking, stellar programming and compelling levels of sponsorship visibility, donations and career enhancement. Burges has more than 30 years of association management experience.

She is well known in the industry as a trusted, proactive and informed advisor and has a strong philanthropic background, always striving to give back to the community, both financially and as a mentor. She has been named one of Southern California's "Most Powerful Women" by GlobeSt; was awarded the "Community Influencer Award" by San Diego Business Journal; was named among "Women Who Impact Business" by SD Metro Magazine; and was named a "Women of Influence" by Real Estate Forum magazine. She received her bachelor's degree from the University of San Diego and also studied at the Sorbonne-Paris and the American College of Paris.



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CANDACE CARROLL
OF COUNSEL

Candice M. Carroll is Of Counsel at Sullivan Hill Rez & Engel. She is a highly regarded appellate practitioner with more than 40 years of experience handling appeals in the federal, state, and bankruptcy appellate courts. Her cases have encompassed a wide range of subjects, including contract disputes, insurance and indemnity issues, wrongful termination, intellectual property, personal injury, constitutional issues, and complex family law matters. Carroll is a long-standing supporter of the community and is actively involved in a variety of legal and civic organizations. She recently served for seven years as chair of Sen. Barbara Boxer's Judicial Advisory Committee for the Southern District of California. Additionally, she is a past president of the San Diego County Bar Association, and of California Women Lawyers, the statewide women's bar association. She has also served on the board of the American Bar Association's Immigration Justice Project and the San Diego Volunteer Lawyer Program.



KATHLEEN CASHMAN-KRAMER
OF COUNSEL

Kathleen A. Cashman-Kramer is Of Counsel at Sullivan Hill Rez & Engel. She practices in the areas of bankruptcy and other insolvency matters as well as in commercial and real estate litigation. Her representation includes trustees, creditors, and debtors in commercial bankruptcies. She has successfully tried matters in federal and state courts and participated in ADR proceedings before the American Arbitration Association (AAA) and other panels. Cashman-Kramer's representation in the Bankruptcy Court includes bankruptcy trustees, secured, priority and unsecured creditors, lessors, and bankruptcy debtors in commercial Chapter 11 and Chapter 7 bankruptcy proceedings. She also has represented title insurance companies as well as individual and corporate parties in business and real estate litigation.

Cashman-Kramer is a member of the San Diego Bankruptcy Forum and California Bankruptcy Forum. She is also a member of several bar associations and serves as the vice chair of the Bankruptcy Law Section for the San Diego County Bar Association.



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LISA CHAN
VICE PRESIDENT & CHIEF FINANCIAL OFFICER

Lisa Chan is the vice president and chief financial officer at Wheelhouse Credit Union. She joined the Wheelhouse team in July of 2019, bringing more than 20 years of financial leadership in the credit union industry to her current role. Since coming to Wheelhouse, Chan revised all reporting, established astute forecasting, built strong internal controls and improved the overall Accounting and Finance operations.

Chan has a Bachelor of Science in Business Administration from San Diego State University and is a highly-dedicated leader who brings profound knowledge and influence to those she serves. After graduating from SDSU, Chan has committed her entire career to the credit union movement, specifically in the area of Accounting and Finance. Chan is best known for her pledge to promoting a "Member First" atmosphere, while managing all accounting functions, reporting/operating activities, budgeting, forecasting, audit management, and more. Contact: lchan@wheelhousecu.com (619) 309-8025



DEBBIE CHELBERG
PRINCIPAL AND CHIEF PEOPLE OFFICER

Debbie Chelberg is principal and chief people officer with Marsh & McLennan Insurance Agency LLC (MMA). She joined MMA in 2015 as director of human resources, promoting to her current job in 2020. Her 33 years of human resources experience primed her to be the executive that her colleagues needed last year. From a quick response to a global pandemic to thoughtfully addressing colleagues' experiences around social justice issues, she has been instrumental in ensuring the safety and well-being of over 1,200 colleagues across seven offices.

Under her guidance, key initiatives have been implemented such as DE&I programs, Insights Discovery training, and flexible work arrangements, among other measures. Chelberg earned a B.A. in sociology from Cal State San Marcos and holds a number of professional designations: Senior Professional in Human Resources (SPHR), Society for Human Resource Management - Senior Certified Professional (SHRM-SC), Certified Diversity Professional, and Insights Discovery Certified Practitioner. She is actively working toward the Certified Positive Psychology Coach (CPPC) credential. Contact: debbie.chelberg@marshmma.com (760) 473-2158



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SUSAN COUCH
SVP, SENIOR RELATIONSHIP MANAGER, BUSINESS BANKING

Susan Couch is SVP, senior relationship manager of Business Banking at Bank of America, leading a team of financial specialists delivering tailored credit, deposit and cash management solutions for a wide variety of companies with annual revenues of \$5 million to \$50 million. She has special expertise in the aerospace, defense, government-contracting, manufacturing and engineering sectors. She is the bank's San Diego Co-Chair of its Military Support Affinity Group and the Treasurer of its LEAD for women employee network group. She serves on the National Defense Industrial Association and SDMAC Foundation boards; San Diego Aerospace & Defense Forum, East County Manufacturing Expo and Skilled Workforce committees; and formerly served on the YMCA, Psych/Armor Institute and Commercial Real Estate Women of San Diego boards. She participates with Women in Defense, Women in Manufacturing, Armed Forces Communications & Electronics Association, San Diego Cyber Center of Excellence, TMA Blue Tech (formerly) San Diego Maritime Alliance, Defense Leadership Forum, United Service Organization (USO) and Padres Pedal The Cause. A graduate of University of Washington Pacific Coast Banking School, Phoenix Community College (Associate of Arts, Banking & Finance) and LEAD San Diego, Susan has been recognized by numerous charities and nonprofits for her community work.



DARLENE G. DAVIES
ARTS & CULTURE EDITOR, RANCH & COAST MAGAZINE

Darlene G. Davies is arts and culture editor at Ranch & Coast Magazine. Davies loves telling San Diego's stories. Having written for Ranch & Coast for 26 years, she is constantly seeking new topics and fresh ways of sharing them with her readers. She moved to San Diego in 1951 and soon was acting with San Diego Junior Theatre and on the Old Globe Theatre stage. Davies has successfully combined a dedication to speech pathology with a passion for theater, having earned a BA in theater, an MA in speech pathology, and an educational specialist degree in educational curricula. She has been appointed to many boards and commissions including the Parks and Recreation board, Balboa Park Committee (vice chair and chair), and the County Commission on the Status of Women (chair). Among her awards are multiple excellence in journalism awards from the San Diego Press Club, outstanding alumna from SDSU, and the San Diego County Women's Hall of Fame.



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CHRISTINA de VACA
CHIEF EXECUTIVE OFFICER

Christina de Vaca is CEO of Corporate Directors Forum. Before joining CDF, she served as the director of corporate relations and business development for the Graduate School of Business at USD, the chief governance officer and corporate secretary for Valeant Pharmaceuticals International, operations vice president at Premier, Inc., and corporate secretary at American Medical International. De Vaca is Six Sigma black-belt trained and has served on boards for Just in Time Foster Youth, the Ronald McDonald House, and the Corporate Directors Forum. She has a B.S. from Dallas Baptist University and an MBA from UC Irvine. In her current role as CEO of the Corporate Directors Forum, she has applied her passions for governance, leadership, and continuous learning to advance the organization's vision to help corporate directors and those who serve them build more effective boards. Her efforts have attracted nationally and internationally known thought leaders to CDF activities and programs, and have enhanced the reputation of the San Diego business community.



JODI DIAMOND
CEO

Jodi Diamond serves as CEO of the Boys & Girls Clubs of Oceanside. As an educator, youth advocate, community collaborator working in the Oceanside community to make each day a better day for the youth in that community. She's worked with the school district, local and public officials, business owners for the common hope of a bright future for our youth.

During a very dark time when other providers were struggling to keep their doors open, Diamond found it imperative to find a way or make a new one. She opened her doors, they fired up the stoves so kids had warm meals, and in-person staff to help with homework assistance and provide a place where kids could talk about their day-to-day struggle. At the helm of an organization that is about to celebrate 70 years, she has led it for 13 years and made it stronger financially, programmatically and community supported by board and stakeholders. Contact: jdiamond@bgcoceanside.org (760) 672-1990



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MARCELA ESCOBAR-ECK
PRESIDENT & CEO

Marcela Escobar-Eck is the president and CEO of Atlantis Group Land Use Consultants. She founded Atlantis Group in 2007 to provide development planning and entitlement services to developers and property owners. It has become the premier land use and strategic planning consulting firm in San Diego.

Escobar-Eck was the Director of the Development Services Department, City of San Diego, where she managed all operations of the complex department with a \$68.9 million budget and 655 staff. She also served as Redevelopment Project Director for the Naval Training Center redevelopment (now Liberty Station) and was the lead negotiator on this \$500-million project. She was the first and only woman Planning Director for the City of Carlsbad. Escobar-Eck has mentored, promoted and guided the careers of many women in the next generation of leaders. She is a seasoned mediator, with extensive experience in conflict resolution. Contact: mescobareck@atlantissd.com (619) 889-0226



LAURIE FISHER
FOUNDER & CEO

Laurie Fisher is the founder and chief executive officer of LMA Marketing and Advertising. She founded LMA Worldwide in 2004 leveraging her prior experiences as a marketing executive for KFMB Stations and Clear Channel Radio. Fisher has more than 20 years of media experience, including award-winning producer work for Clear Channel, Jacor Broadcasting, Gannett and Midwest Television. The firm's client roster features financial and legal institutions, real estate businesses, non-profits, political campaigns, and retailers ranging from automotive and home improvement to health, wellness and beauty.

Fisher is a mom first and she has gone above and beyond to fortify her family foundation which in turn has directly benefited her professional career. She began LMA with no office, two computers, and 6 accounts. Fast forward to today, LMA is one of the top billing ad agencies in Southern California, has over ten full time employees and a modern new office in the UTC area of San Diego.



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KIM FOLSOM
CEO

Kim Folsom is the co-founder and CEO of Founders First Capital Partners. Folsom is a serial entrepreneur who has been founding, leading and growing innovative companies for more than 25 years. Presently, as a social entrepreneur, she is dedicated to addressing disparities in revenue and job growth among businesses led by Black and underrepresented founders.

Each year, Founders First Capital Partners works with hundreds of entrepreneurs through their Founders Challenge, Founders Business Growth Bootcamp, and their FastPath Funding Growth Experience program. Folsom also started a new program this past year, the Job Creators Grant, to help minority-owned businesses during the pandemic. As part of her mission to help entrepreneurs build sustainable businesses, she teaches as an adjunct professor of entrepreneurship and business strategy at National University School of Business and Management. To ensure diverse future tech leadership, Folsom co-founded a STEM and Robotics enrichment program to benefit underrepresented middle school children living in Southern California.



MIREILLE GILLINGS, PH.D.
CEO & EXECUTIVE CHAIR

Mireille Gillings, Ph.D., Hon. D.Sc. is the chief executive officer and executive chair at HUYABIO International. She founded HUYABIO in 2004 to develop drugs to cure cancer and other diseases with unmet medical needs. The company has joint HQ in San Diego and Shanghai, China. HUYABIO's business model identifies and licenses the most promising preclinical and clinical stage compounds in China, leveraging the research of Chinese partners, and providing a bridge to international drug development and markets.

As an innovator and a game-changer, Gillings was the first to in-license innovative Chinese pharmaceuticals and establish extensive collaborations with Chinese biopharmaceutical organizations. Under her leadership, HUYABIO has achieved exceptional advances despite the challenges of COVID-19. Most recently in June, her company received Japanese regulatory approval for HBI-8000 (Hiyasta) monotherapy for relapsed or refractory adult T-cell leukemia/lymphoma, a disease with a poor prognosis and few treatment options.



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Bank of America congratulates business banking executive Susan Couch on being recognized by the San Diego Business Journal! Bank of America has banked the Aerospace & Defense Industry for over 75 years and is the #1 lender to this sector thanks to talented local bankers like Susan.

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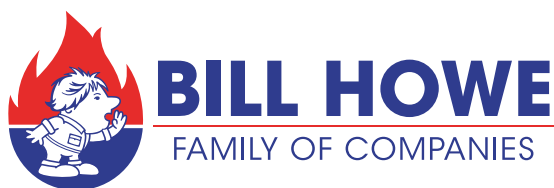


CONGRATULATIONS TO TINA HOWE

For being recognized as a Woman of Influence Over 50.

A woman with a vision, Tina drives the plumbing, heating and air, restoration and flood services to higher standards in customer service, employee satisfaction, and community giving.

Thank you for being a fantastic leader and setting the bar high for future leaders at Bill Howe!



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ELIZABETH HANSEN
TRAVEL EDITOR

Elizabeth Hansen is travel editor for Ranch & Coast Magazine. Travel has been the focus of Hansen's life for as long as she can remember. She has written hundreds of articles for newspaper travel sections and for magazines such as National Geographic Traveler, Islands, and Travel & Leisure. She's also authored a dozen guidebooks in the Frommer series, including books about Australia, New Zealand, and San Diego. Hansen's specialty is finding and reporting on authentic experiences. She is a staunch advocate of traveling off the beaten path, and she finds great pleasure in sharing what she's learned with other travelers.

Since 2004, Hansen has been the travel editor of Ranch & Coast. In addition to destination pieces, Hansen especially enjoys creating related features such as the impact of climate change on travel, the intersection of travel and philanthropy, the potential of finding happiness through travel, how older adults with physical limitations can continue to travel, and the positive connection between solo travel and mindfulness.



DR. SUSAN HECTOR, PH.D.
PRESIDENT

Dr. Susan Hector, Ph.D. is president of the Center for Research in Traditional Culture of the Americas. She began her career as an archaeologist in 1973, when few women were able to survive and thrive in this male-dominated field. She decided that she did not want to restrict herself to academia, but wanted to make a difference by pioneering and supporting cultural resource preservation. Hired by the county of San Diego, Department of Parks and Recreation to manage the restoration of Rancho Guajome Adobe National Historic Landmark, she was promoted to director of the department — the first woman to hold this position. Dr. Hector then went to SDG&E to create the company's first cultural resources program, and was promoted to environmental program manager. She serves on several corporate and nonprofit boards, volunteers in Old Town San Diego State Historic Park, and is the historian for the San Diego Chapter DAR. Dr. Hector is inspiring, innovative, generous and always makes a difference!



**Women
of Influence
50 Over 50 2021
HONOREES**



TINA HOWE
VICE PRESIDENT

Tina Howe is the vice president of the Bill Howe Family of Companies. In a male-dominated industry, Howe is a prominent woman of influence in the Plumbing, HVAC, and Restoration industries. She and her husband built the company in 1980, and through a continued commitment to their mission, have established themselves as a pillar in the community.

Howe leads the philanthropic efforts at Bill Howe, impacting San Diego through volunteer work with the Food Bank, Humane Society, and Boys and Girls Club. She was awarded the 2020 PHCC of California Contractor of the Year award and served as past PHCC San Diego Chapter President. In her industry, she pioneered technician standards, digital marketing, and reputation management while also leading her family. Howe raised 4 daughters, and through her example, they now lead integral departments at Bill Howe. When she is not revolutionizing the industry, she enjoys traveling and rescuing animals at her farm in Poway.



SHARON HUERTA
SHAREHOLDER

Sharon A. Huerta is a shareholder at Sullivan Hill Rez & Engel. Huerta is a member of the Construction and Insurance practice group. Huerta practices in all aspects of litigation, specializing in insurance coverage litigation and evaluation, bad faith, and developer representation. In addition, Huerta has significant experience in appellate writing and was primarily responsible for drafting briefs in numerous successful published and unpublished opinions.

Huerta is currently serving as the Vice Chair of the Insurance Law Committee of the California Lawyers Association's Business Law Section and is also serving as the Chair of the Insurance & Bad Faith Law Section of the San Diego County Bar Association. She also serves on the Membership Committee of the Building Industry Association of San Diego, is a member of the San Diego Defense Lawyers, and is a member of the Claims and Litigation Management Alliance.





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50 Over 50 2021
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On behalf of the Board of Directors
and the Staff of Corporate Directors Forum,
congratulations Christina on being recognized
as one of San Diego's Women
of Influence over 50!

Thank you for your excellent leadership
during these unprecedented times.

Christina de Vaca
Chief Executive Officer



Corporate Directors Forum

Deloitte.

Congratulations

Deloitte is proud of San Diego Managing Partner Juli Moran for being named a 2021 Women of Influence to recognize her commitment to the San Diego community and her impact on the life sciences industry.

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50 Over 50 2021
HONOREES**



CLAUDIA IBARRA
CHIEF OPERATING OFFICER

Claudia Ibarra is the chief operating officer of DermTech. Ibarra has more than 25 years of experience in clinical laboratory operations, in the areas of oncology, immunology, and molecular biology. In her leadership roles, she grew and developed the laboratory operations of renowned diagnostic companies to a highly efficient and successful state, with unparalleled quality, service level and inspection track records. Before joining DermTech, Ibarra served as senior vice president, laboratory operation at Exagen, director of molecular oncology laboratory at Genoptix, Inc. - where she was also the molecular genetic training program coordinator - and other reference clinical laboratories focused on immunology and solid tumors. She grew her operations team by 113% from 2020 to 2021 with expectations to grow by 63% from 2021 to 2022. Ibarra holds a degree in biochemistry with specialization in clinical laboratory science from the University of Buenos Aires, Argentina and a California License as a Clinical Laboratory Scientist.



PAMELA ISAACSON
EXECUTIVE VICE PRESIDENT & COO

Pamela C. Isaacson is Bank of Southern California's executive vice president, chief operations officer, and a member of the company's executive management team. She is responsible for the leadership and daily oversight of multiple departments including Central Operations, Branch Banking, Treasury Operations, Treasury Implementation, and Facilities. She joined Bank of Southern California in 2008 and was instrumental in growing the Bank from \$84 million to over \$1.7 billion in assets.

Throughout her 36-year career in banking, Isaacson has been instrumental to the growth of multiple banks in Southern California. Having held various leadership positions, her expertise positioned Bank of Southern California to serve small to mid-sized community businesses. While her individual career in banking is impressive, her true joy comes from fostering growth in those she leads. As a team player, she sets the pace at Bank of Southern California for an employee-centered culture. Contact: pisaacson@banksocal.com (858) 847-4725



SAN DIEGO BUSINESS JOURNAL

**Women
of Influence
50 Over 50 2021
HONOREES**



DR. JENNIFER KRAUS, PH.D.
CO-FOUNDER AND CHIEF SCIENTIFIC OFFICER

Dr. Jennifer Kraus, Ph.D. is co-founder and chief scientific officer of Source Intelligence, a San Diego-based multimillion-dollar SaaS company specializing in supply chain compliance and transparency solutions. She has over 30 years of business experience. Dr. Kraus also founded Global Environmental Consulting Company, a San Diego-based consultancy. She was previously an associate with Dames & Moore, environmental manager for General Dynamics, and safety engineer with Litton Industries. The Clinton Administration appointed her to the Good Neighbor Environmental Board, a congressional advisory committee on U.S.-Mexico border environmental and infrastructure issues, and the Schwarzenegger Administration appointed her to the San Diego Regional Water Quality Control Board. Dr. Kraus completed her Ph.D. in public health, epidemiology at the UCSD School of Medicine and SDSU School of Public Health; received her master's in public health from UCLA; and received a bachelor's in biology from Princeton University. She volunteers with the Daughters of the American Revolution and is Registrar for the San Diego chapter.



LYNN LaCHAPELLE
MANAGING DIRECTOR

Lynn LaChapelle serves as managing director at JLL and is a dynamic professional who is considered an industry leader in San Diego's real estate community. Leveraging her broad-based experience in finance, urban planning and development, she has been involved with many of the County's largest real estate transactions. She is a valued advocate for her clients and has helped many grow their local and regional footprints.

During her career, LaChapelle has made a significant effort to advance women and diversity and inclusion within the commercial real estate field. She has served on JLL's Board for Diversity and Inclusion and Mentorship Programs and remains an active mentor to professionals within JLL and its clientele. She initiated and coordinated JLL's first Women's Leadership Conference in 2018 and continues this outreach event. In addition to her professional work, she and her husband founded and developed Domaine Artefact Vineyard & Winery - a 30-acre estate vineyard located in Highland Valley.



Congratulations to JLL's Lynn LaChapelle

JLL celebrates Lynn and congratulates her on many accomplishments. She is a role model for women in commercial real estate, and she is dedicated to her profession and her colleagues. Lynn is a champion for many women in the industry supporting JLL's goal of achieving a more inclusive, equitable workforce for women.

JLL is proud to recognize Lynn on this achievement!



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LMA congratulates our CEO & Founder Laurie Fisher for the award of SDBJ's Women of Influence: 50 Over 50 2021.

It is an honor to be led by such a powerful woman like you!



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50 Over 50 2021
HONOREES**



SANDRA MAAS
VP, EXTERNAL AFFAIRS & BOARD MEMBER

Sandra Maas is the vice president of external affairs and board member at the Women's Museum of California in Balboa Park. She is a 35-year broadcast veteran of TV and radio, and as VP of External Relations at the museum she also produces the video series "Trailblazing Women," profiling women at the top of their game. As a CBS Newspath medical correspondent, she developed her passion for the health sciences, medical and biotech industries.

Recently, Maas is blazing a trail of her own these days in a high-profile Equal Pay, age and gender discrimination lawsuit against McKinnon Broadcasting Company, owners of KUSI-TV. She currently serves on The Salvation Army Women's Auxiliary Board, and is a member of the Corporate Directors Forum. She's served on boards for Rady Children's Hospital Auxiliary, Trojan League Associates of San Diego County and has raised awareness and funds for local non profits.



JENNIFER MCCARTHY
DIRECTOR, STRATEGIC CLIENT DEVELOPMENT

Jennifer (Jenni) McCarthy is the director of strategic client development at Suffolk. She is charged with identifying strategic opportunities for expansion in emerging sectors and building relationships with key decision-makers in San Diego's robust construction industry. As a market, San Diego has an impressively diverse array of building sectors, including higher education, multi-family, commercial, aviation, hospitality and life sciences. McCarthy, along with her team, are tasked with leading Suffolk's expansion into these lucrative sectors by fostering connections with developers, community members, public-private organizations and other stakeholders in the market and showcasing Suffolk's expertise and their innovate approach to building.

McCarthy currently sits on the board of the San Diego Downtown Partnership and is the Corporate Sponsorship Chair for the Design Build Institute of America (DBIA) San Diego Chapter. She is also involved with (NAIOP) in San Diego and is the Chair their 2021 Science & Technology annual event. Contact: jemccarthy@suffolk.com (760) 707-2582



**Women
of Influence
50 Over 50 2021
HONOREES**



GIOIA MESSINGER
FOUNDER AND PRINCIPAL

Gioia Messinger is founder and principal of LinkedObjects Inc., a strategic advisory services business focused on digital transformation brought about by AI and IoT. She is an accomplished entrepreneur and senior executive with years of experience in Internet of Things (IoT), robotics, AI and digital health. Messinger also founded and served as CEO of Avaak, now Arlo Technologies (NYSE: ARLO), which offers a smart video security system. Prior to Avaak, she founded and served as CEO of an early stage healthcare IT company and helped develop the PillCam. Messinger currently serves on the board of One Stop Systems (Nasdaq: OSS), a provider of high-performance edge compute systems for AI applications, and Indyme Solutions, a provider of IoT solutions for retailers. She is a member of the Council of Advisors at UC San Diego Jacobs School of Engineering. Previously, she served on the board of Vicon Industries (NYSE: VCON) and several private technology firms. She is an inventor on 15 patents.



SHANNA MISSETT NELSON
PRESIDENT

Shanna Missett Nelson serves as president of Jazzercise, Inc. In this role, Missett Nelson is at the helm of the group fitness industry, guiding the brand in global and local markets. Having a front row view into how her mom, Judi Sheppard Missett, created the largest dance fitness company in the world, Missett Nelson began as an instructor but quickly launched her business career as an international brand consultant and franchise owner herself. Shanna guides the corporate management team and steers the direction of the company.

Her role at the company is a media spokesperson and motivational speaker who holds a Bachelor of Arts degree in English Literature from the University of Arizona. Additionally, her contributions to the fitness industry have been acknowledged through numerous awards, public and media recognition. People Magazine Exclusive featured Missett Nelson, her mother Judi, daughters Skyla and Sienna in the December 28, 2020 edition headlined "Jazzercise! How This Fit Family Built an Empire."



Congratulations Debbie!

Congratulations to our incredible **Chief People Officer, Debbie Chelberg** on being named a San Diego Business Journal 2021 Woman of Influence!

Your positivity, unwavering support and innovative ideas make a lasting impact on our colleagues and our culture.

Cheers to you!

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RANCH & COAST MAGAZINE CELEBRATES

Women of Influence



ANDREA NAVERSEN
Ranch & Coast Editor-at-Large



ELIZABETH HANSEN
Ranch & Coast Travel Editor



DARLENE G. DAVIES
Ranch & Coast Arts & Culture Editor

Thank you FOR ALL THAT YOU DO FOR THE SAN DIEGO COMMUNITY.

CONGRATULATIONS TO ALL OF THIS YEAR'S DYNAMIC HONOREES.



**Women
of Influence
50 Over 50 2021
HONOREES**



JULI MORAN
SAN DIEGO MARKETPLACE LEADER

Juli Moran is a consulting managing director in the Strategy practice with Deloitte Consulting LLP and serves as the Deloitte San Diego office marketplace leader. In this role, she helps drive client and business growth, brings strategic insights and facilitates complex transformations for clients by leading cross-functional teams and solutions, and further enhances Deloitte's strategic positioning in the San Diego market. In addition to spearheading the San Diego marketplace, Moran maintains her client services responsibilities as a lead client service partner. She is responsible for the overall relationship for a select number of Deloitte's strategic Life Science clients.

She serves on the Board of Directors and is the Chair Elect for 2022 for the American Heart Association San Diego and the Executive Leadership Team for the AHA Go Red For Women campaign. Additionally, Moran is on BioCom California's Board of Governors. Contact: julimoran@deloitte.com (847) 373-7278



ANDREA NAVERSEN
EDITOR-AT-LARGE

Andrea Naversen is editor-at-large at Ranch & Coast Magazine. As their longtime editor-at-large, Naversen covers fascinating SoCal people and places. She began her career as a reporter with the Plain Dealer in Cleveland while also contributing to Time and BusinessWeek magazines. Naversen later co-anchored network newscasts as a correspondent for CBS and ABC News in New York and Los Angeles. In San Diego, she served more than a decade as an anchor and reporter at KFMB-TV and KUSI-TV and authored travel and history books about the city.

Naversen has won Emmy awards for her work, and in 2014 was inducted into the prestigious Silver Circle by the National Academy of Television Arts & Sciences. She also has been honored for her community service. Naversen is a member of The Country Friends Board of Directors and is co-chair of The Salvation Army's 2021 Women of Dedication.



**Women
of Influence
50 Over 50 2021
HONOREES**



DONNA OTIS
CHIEF EXECUTIVE/GENERAL MANAGER

Donna Otis, CCM, CCE is chief executive/general manager at The Bridges at Rancho Santa Fe. As the first female chief executive and general manager of the organization, her role is expansive, from having to have knowledge of all aspects of food and beverage, golf course conditions and operations, health and fitness, and so much more.

Otis' influence in the golf world is expansive, from working with the USGA, LPGA and worldwide golf organizations. She has been recognized for her work with major events and was featured in a documentary with National Geographic. As a trustee for the Good Tidings Foundation, she recently worked with Jason Mraz to build a music sound studio in National City for underserved youth. She actively participates in hosting educational seminars on multiple topics via Zoom.

With 35 years in the private club business, Donna Otis has left a lasting mark not only from a business perspective but as a leader and a mentor. Contact dotis@thebridgesrfs.com (415) 987-0325



CHÉRI PIERRE
CEO

Chéri Pierre is the CEO of Computers 2 Kids. She has utilized her expertise as a specialist in helping organizations implement sustainable solutions by serving as the CEO of Computers 2 Kids for the past 14 years. She and her dedicated staff and volunteers provide desktop and laptop computers to low-income students nationally to help reduce educational inequities. Pierre's commitment and passion for advocating for the technology underserved, along with a strong partnership with the community, has led C2K to become one of the top computer refurbishers in the nation. In 2021, Pierre helped develop a technology assistance program APP, ensuring anyone with a phone can access affordable technology. A strong proponent of giving back to the community, she currently serves as the board treasurer for Lamp of Learning, the oldest charitable entity of the University Club. Pierre is a 2021 CEO of the Year Nonprofit Small Winner, 2021 Women of Influence in Technology honoree, and a 2020 SD 50: Executives Who Have Made a Positive Impact During COVID-19 honoree.



Women of Influence
50 Over 50 2021
HONOREES



WENDY PURVEY
CHIEF OPERATING OFFICER

Wendy Purvey is the chief operating officer of Pacific Sotheby's International Realty. Joining Pacific Sotheby's International Realty in 2018, Purvey has assisted in repositioning the company's mission to provide its agents with every opportunity to increase their business in a company anchored by the strategic pillars of service, respect, and value. A strategic and performance-focused executive, Purvey has over 30 years of expertise as an innovative, energetic leader in real estate marketing and business development across many brands, including franchise and company-owned firms.

As CMO for the Sotheby's International Realty brand for 12 years, Purvey directed the creation, development, and implementation for all marketing, digital and print advertising, social media content, and public relations for its network of international franchisees. She was integral in the brand's positioning as the global leader in residential real estate and the network's rapid growth into more than 70 countries with over 1,000 offices generating \$100+ billion in annual sales volume.



RENEE SAVAGE
PRESIDENT

Renee Savage, CPM, CCIM, is president of CASAVIDA, a boutique multi-family management company providing proactive property management services in San Diego County. With 32 years of real estate management experience, she and her team at CASAVIDA deliver thoughtful service to their residents, while maximizing asset value for owners and investors. She's also the 2021 secretary and treasurer at Institute of Real Estate Management (IREM), slated to be president in 2023.

Savage is a Board member of SCRHA (Southern California Rental Housing Association), and CREF (Charitable Real Estate Foundation), which provides support to the San Diego Foundation. She's a past president of the San Diego County Apartment Association, and was honored with the President's Award, and Industry Achievement Award. IREM has honored Renee as CPM of the Year, with the Presidential Achievement Award, Exceptional Contribution Award, and has recognized her as a "Woman Changing the World of Real Estate Management." Contact: rsavage@casavidapm.com (619) 954-5942



SAN DIEGO BUSINESS JOURNAL
Women of Influence
50 Over 50 2021
HONOREES



TANYA SCHIERLING
PARTNER

Tanya Schierling is a partner at Solomon Ward Seidenwurm & Smith LLP. Schierling represents clients ranging from large public corporations to small start-up companies to individuals, with the wisdom forged from significant trial and arbitration experience. Her practice focuses on business litigation and employment matters, including partnership and corporate disputes, real estate litigation, labor code, wage, and discrimination and harassment claims, and distribution and franchise matters. She also advises businesses on a wide range of employment compliance matters, helping clients avoid or minimize the risk of employment claims.

After graduating with honors from both Dartmouth College and George Washington University Law School, Schierling began her legal career as a military prosecutor serving in the U.S. Army's Judge Advocate General's Corps, where she advised tank and infantry commanders and tried felony cases to courts-martial. She holds a Martindale-Hubbell AV Preeminent rating and is an AV Top Rated Lawyer in commercial and business litigation. Contact: tschierling@swsslaw.com (619) 231-0303



KATHY SCOTT
CHIEF FINANCIAL OFFICER

Kathy Scott is CFO at Neurana Pharmaceuticals, Inc., a specialty pharmaceutical company in phase 3 trials where she assisted with raising a \$60 million Series A round. Scott has spent the last 10 years as Chief Financial Officer for private companies in the life science industry. She is a senior financial executive with over 25 years of experience assisting public and privately held life science companies grow their businesses. Her career reflects a demonstrated track record in successfully building start-up companies into full scale operating companies, optimizing financial management processes, and executing M&A transactions and financings in domestic and global markets. She also brings deep corporate governance experience through her work on corporate boards, including public company audit and finance committees.

She has been on the board of directors of the YMCA of San Diego County for over 10 years, and served most recently as chairman of the board.



**Women
of Influence
50 Over 50 2021
HONOREES**



JUDI SHEPPARD MISSETT
FOUNDER AND CEO

Judi Sheppard Missett is the founder and CEO of Jazzercise, Inc. Sheppard Missett is a fitness and business icon, having grown Jazzercise, Inc. from a class of 15 women in 1969 to today's largest franchised dance fitness company in the world which is now celebrating 52 years strong. At age 25, she discovered her purpose-blending the art of dance and the science of exercise to make dance fitness accessible and fun for everyone. More than five decades later, she and her daughter Shanna Missett Nelson continue to manage and motivate 8,500 Jazzercise franchisees to achieve their dream of independent business ownership, who in turn inspire millions of customers worldwide to live happier, healthier lives through fitness.

Jazzercise acts upon her philosophy of giving back to the community, raising \$32 million for various charities. She is a founding member of the Committee of 200 and Women Presidents' Organization former Board of Directors member.



DEEANNE SNYDER
DIRECTOR OF EVENT SERVICES

DeeAnne Snyder is director of event services with the San Diego Convention Center Corporation. A dedicated ambassador for San Diego, Snyder has been with the Convention Center since 1993. She first came to the center as a client, organizing one of the first events when the building opened.

Now Director of Event Services, Snyder served a critical role in pandemic response efforts. When the convention center served as a temporary homeless shelter, and later as a safe environment for children while they sought reunification with family or sponsors in the United States, she ensured behind-the-scenes details were handled. Snyder treated unsheltered guests and children seeking asylum with the same servant heart as she would with any other convention attendee. Snyder gives back to the industry and to San Diego. She has served on boards for tourism-related organizations (currently for the Cabrillo National Park Foundation), mentored and given hospitality lectures at USD and SDSU, and volunteered for many local charities. Contact: deeanne.snyder@visitsandiego.com (619) 525-5428



**Women
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50 Over 50 2021
HONOREES**



CARRIE STONE
PRESIDENT

Carrie Stone is president of cStone & Associates, an international executive search firm providing comprehensive executive and corporate board advisory and recruiting services. With 25 years of corporate executive leadership and service on boards, Stone is a seasoned board member and an established leader in the executive search industry.

She has served as a director and as an observer of Venture Capital funded companies, and public and private companies. As an independent director, her committee work includes compensation, nominating and governance, and diversity committees.

Prior to cStone, she served as a venture partner with Enterprise Partners Capital, a \$1.1 billion venture fund investing in disruptive technologies and biotechnology. Her prior CEO leadership and senior executive experience includes consumer product, multi-channel and entertainment businesses. An active member of the Young Presidents' Organization (YPO), a global organization of more than 28,000 chief executives of companies in over 130 countries, she was only the second woman in its 50 year history to be nominated to serve on the international board.



SHANNON SWEENEY
SHAREHOLDER

Shannon Sweeney is a shareholder at Sullivan Hill Rez & Engel. She is part of Sullivan Hill's Commercial and Business Litigation, Real Estate, Construction, and Employment Law practice groups. She has substantial experience in complex corporate litigation, large commercial disputes, and consumer and securities fraud class action lawsuits in both state and federal courts. Sweeney has significant appellate experience in California state and federal courts, including successfully arguing at the United States Court of Appeals for the Ninth Circuit, as well as first and second-chair trial experience.

She is a persuasive oral advocate, and has enjoyed a very successful motion practice, having won almost every dispositive motion that she has written. Sweeney was selected by her peers for the 27th edition of Best Lawyers in America in the field of Commercial Litigation. She also was recognized for "Women of Influence in Law 2021," in the San Diego Business Journal for her accomplishments in the San Diego legal community.



Women of Influence
50 Over 50 2021
HONOREES



CAROLYN TAYLOR
PRESIDENT & FOUNDING PARTNER

Carolyn Taylor is the president and founding partner of Weatherly Asset Management LP. Taylor, majority owner of the partnership, is personally and professionally committed to providing comprehensive high-quality investment management services to clients of Weatherly Asset Management. With more than 39 years of portfolio management experience to high-net worth individuals and institutional clients, Taylor offers a wealth of investment expertise to WAM's clients. Under her leadership and strategic vision, Weatherly focuses on creating the ideal client experience.

Taylor is an engineer by training, having received her B.S. and B.A. from Stanford University. Her analytical training was initially as an investment banker in public finance for Dean Witter Reynolds, Inc. in New York. Taylor managed over \$1 billion in assets during her previous experience as a portfolio manager at Neuberger & Berman in New York and, prior to that, at Payden & Rygel Investment Counsel in Los Angeles. In June 1994, she relinquished responsibilities at Neuberger & Berman to devote her full attention as president and chief investment officer at Weatherly.



JUDY THOMPSON
PRESIDENT

Judy Thompson serves as president of Thompson Search. She has been a strong presence in San Diego business since 1978, when she started her career in local executive search. She is very well known as the "go to" recruiter for CFOs and Controllers in the local marketplace. Additionally, she gives back to the community through a free bi-weekly networking newsletter that lists all of the local trade organization events across industries and occupations and she has run a free monthly Executives in Transition group for over 25 years.

Thompson is a past president of both the Institute of Management Accountants and Corporate Finance, now BEC. She has been on the board for the Accounting Department at SDSU, currently serves on the board of Corporate Directors Forum and has been a member of Club 33 of Rotary for over 13 years, and is president-elect of that organization for 2022-23. Contact: judy@thompsonsearch.com (619) 804-5834



Women of Influence
50 Over 50 2021
HONOREES



LICIA VAUGHN
SENIOR DIRECTOR

Licia Vaughn serves as senior director at DLA Piper. Vaughn concentrates on intellectual property protection and litigation, including patent, copyright, trademark and trade secret litigation. She has been a federal court practitioner in San Diego since graduating from law school and recently, Vaughn was appointed to serve as co-chair of the Lawyer Representatives for the United States District Court for the Southern District of California. As co-chair, serving through 2022, she helps lead and plan the annual District Court Conferences and participates in the planning and preparation for the annual Ninth Circuit Judicial Conference. She also assists the Southern District in the organization of special projects, serving as a liaison between the court and the community.

Dedicated to advancing women in the law, Vaughn instituted DLA Piper's annual Women in IP Law educational seminar and networking program in 2007, featuring women who are leaders in the field of intellectual property and providing women in IP with opportunities for networking and mentoring.



EVA VELASQUEZ
PRESIDENT & CEO

Eva Velasquez is the president and CEO at the Identity Theft Resource Center. Velasquez previously served as vice president of operations for the San Diego Better Business Bureau and spent 21 years at the San Diego District Attorney's Office. She is recognized as a nationwide expert and has been featured on such outlets as the CNBC Nightly Business Report, Huffington Post Live, Forbes, Bloomberg, Kiplinger's and numerous other outlets. She is the driving force behind the first free ID Theft Help App and the ITRC's new artificial intelligence victim chatbot, VIVIAN, currently in beta testing. She is a published author and regularly invited to speak at events nationwide. She has recently presented at such forums as the Victims of Crime Act (VOCA) National Training Conference, the Privacy Xchange Forum and multiple events with the Federal Trade Commission. Velasquez is a recipient of the National Crime Victim Service Award from the Department of Justice and OVC, and the National Consumers League's Florence Kelley Consumer Leadership Award.



**Women
of Influence
50 Over 50 2021
HONOREE**



MAYRA VELAZQUEZ de LEÓN
PRESIDENT & CEO

Mayra Velazquez de León is co-founder and president of San Diego-based Organics Unlimited, America's largest family-owned organic banana company which started in 2000. Overseeing all company operations in the U.S. and Mexico, she spends much of her time in the Otay Mesa headquarters directing sales and marketing for the international organic tropical fruit grower and wholesaler.

She introduced the company's GROW program in 2005 as a social responsibility initiative to help the communities in Mexico and Ecuador, where their organic Cavendish bananas, plantains and coconuts are grown. GROW has provided nearly \$3 million in funding to help support education, health initiatives, micro-businesses and environmental programs as well as disaster relief. In addition to her leadership of Organics Unlimited, Velazquez de León is an active member of numerous trade and business organizations including the Produce Marketing Association (PMA), United Fresh Produce Association, Organic Trade Association (OTA) and Vistage International.



TERESA WARREN
PRESIDENT

Teresa Warren serves as president at TW2 Marketing, Inc. Warren started her career in the early 1980s in advertising, creative services and public relations, where she became a successful service provider. She went on to become one of the first 20 law firm marketing directors in the U.S., where she honed her writing skills and learned how to creatively and successfully blend various marketing strategies and tactics.

In 1992, she started TW2 because she was surprised at the lack of consultants who truly listened to and embraced their clients' vision and provided personalized, effective and results oriented services. Today, Warren enjoys working with clients in a variety of industries to help them reach their business goals. She has received many honors during her career, most recently including the San Diego Press Club's prestigious Andy Mace Award, San Diego Metro's Top Marketing Professionals honor and The Daily Transcript's San Diego Influential Woman nod.



CONGRATULATIONS!



**LISA
CHAN**

Vice President & CFO,
Wheelhouse Credit Union

Named One of
50 Women of Influence
Over 50

Lisa Chan has committed her career to the Credit Union movement and has proven to be a great asset to Wheelhouse, integral to the growth since joining in 2019.

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50 Over 50 2021
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Tanya Schierling

for being named among San Diego's
Women of Influence Over 50.

We're proud of all you have accomplished.
Thank you for your dedication to our firm,
clients and community.



**Solomon
Ward**
Attorneys at Law

Solomon
Ward
Seidenwurm &
Smith LLP

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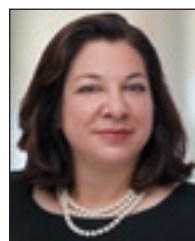
Carrie Vilaplana

Carrie Vilaplana has joined **J.P. Morgan Private Bank** in San Diego as a Vice President and Banker. Carrie works closely with successful clients across the region, including corporate executives, pre- and post-transaction business owners, real estate investors and nonprofits. With a 20-year career in finance, Carrie draws on her strong commercial lending and institutional capital markets background to help families achieve their goals and leave legacies for the next generation. Carrie began her career at Lehman Brothers and for the last 15 years, she advised high-net-worth clients in roles at Wells Fargo Private Bank and Union Bank Private Bank.

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J.P.Morgan Private Bank

FINANCIAL SERVICES
New Hire



Patricia Bennett

Patricia Bennett has joined **J.P. Morgan Private Bank** in San Diego as an Executive Director and Banker. In this role, Patricia partners closely with affluent individuals, families and successful business owners to help manage, grow, preserve and ultimately transfer their wealth to their intended beneficiaries. With a career that spans over two decades, Patricia spent 12 years in New York focused on fixed income sales and trading at Goldman Sachs, Deutsche Bank and Citi Global Markets. She transitioned to wealth management in 2013 to facilitate a return to her home state of California. Patricia joins J.P. Morgan from Wells Fargo.

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Congratulations

Renee Savage, CPM[®], CCIM,
President, Casavida, AMO[®] and
2021 50 Over 50 Women of
Influence!

We're grateful for your leadership and for your work shaping the future of the property management profession.



For those who manage to make a difference.™



**PLAINTIFF AND CROSS-DEFENDANT JOSHUA BILLAUER'S OPENING BRIEF IN
SUPPORT OF SPECIAL MOTION TO STRIKE DEFENDANT AND CROSS-
COMPLAINANT OLGA MARCELA ESCOBAR-ECK'S CROSS-COMPLAINT**

Exhibit 30

1 Gina M. Austin (SBN 246833)
Email: gaustin@austinlegalgroup.com
2 Tamara M. Leetham (SBN 234419)
Email: tamara@austinlegalgroup.com
3 AUSTIN LEGAL GROUP, APC
3990 Old Town Ave, Ste A-101
4 San Diego, CA 92110
Phone: (619) 924-9600
5 Facsimile: (619) 881-0045

6 Attorneys for Cross-complainant
Marcela Escobar-Eck

7
8 **SUPERIOR COURT OF CALIFORNIA**
9 **COUNTY OF SAN DIEGO**

10
11 JOSHUA BILLAUER,
12 Plaintiff,

13 vs.

14 OLGA MARCELA ESCOBAR-ECK; and
15 DOES 1-1,000,
16 Defendants.

17 OLGA MARCELA ESCOBAR-ECK,
18 Cross-complainant,

19 vs.

20 JOSHUA BILLAUER; and ROES 1-10,
21 inclusive,
22 Cross-defendants

CASE NO. 37-2021-00006367-CU-DF-CTL

**DEFENDANT AND CROSS-
COMPLAINANT MARCELA ESCOBAR-
ECK'S RESPONSES TO SPECIAL
INTERROGATORIES (SET ONE)**

Complaint Filed: February 16, 2021
Trial: Not Set

23
24 PROPOUNDING PARTY: Plaintiff and Cross-defendant Joshua Billauer

25 RESPONDING PARTY: Defendant and Cross-complainant Marcela Escobar-Eck

26 SET NUMBER: One
27
28

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RESPONSES TO SPECIAL INTERROGATORIES (SET ONE)

Special Interrogatory No. 1:

If Responding Party contends that she has lost any money as a result of any of the publications that are the subject of her cross-complaint, please state the sum of all lost money.

Response To Special Interrogatory No. 1:

Responding Party objects to this request on the grounds it requires a legal conclusion.

Responding Party objects to this request to the extent it seeks premature disclosure of expert opinion in violation of Code of Civil Procedure section 2034.210, 2034,220, and 2034.270.

Responding Party objects to this request to the extent it seeks the legal reasoning and theories of Responding Party’s contentions.

Responding Party objects to this request on the grounds if calls for financial or tax information protected by the right to privacy or privilege.

Without waiving her objections, Responding Party responds:

\$52,531.25.

Discovery is ongoing and incomplete and Responding Party reserves the right to update this response.

Special Interrogatory No. 2:

If Responding Party stated a sum in response to Special Interrogatory 1 above, please DESCRIBE each and every addend of the sum to the maximum extent possible. (As used in this interrogatory, “DESCRIBE” means state the nature, date, and amount.)

Response To Special Interrogatory No. 2:

Responding Party objects to this request on the grounds it requires a legal conclusion.

Responding Party objects to this request to the extent it seeks premature disclosure of expert opinion in violation of Code of Civil Procedure section 2034.210, 2034,220, and 2034.270.

Responding Party objects to this request to the extent it seeks the legal reasoning and theories of Responding Party’s contentions.

Responding Party objects to this request on the grounds it contains improper subparts, or is a compound, conjunctive, for disjunctive question in violation of Code of Civil Procedure

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1 section 2030.060.

2 Responding Party objects to this request on the grounds if calls for financial or tax
3 information protected by the right to privacy or privilege.

4 Without waiving her objections, Responding Party responds:

5 From January 2021 to June 2021, Responding Party billed All Peoples Church 23.75
6 hours which were discounted \$100.00 per hour for a loss of \$2,375.00.

7 In January 2021, Responding Party had 7 unbilled hours at a \$375.00 hourly rate for
8 Montezuma Residential for a loss of \$2,625.00.

9 From November 15, 2020 to June 30, 2021, Responding Party had a total of 97.5 non-
10 billable hours to All Peoples Church at average hourly rate of \$487.50 per hour for a loss of
11 \$47,531.25.

12 Discovery is ongoing and incomplete and Responding Party reserves the right to update
13 this response.

14 **Special Interrogatory No. 3:**

15 For each and every addend described in response to Special Interrogatory 2 above, please
16 IDENTIFY each and every witness with information that tends in any way to substantiate the
17 addend. (As used in this interrogatory, “IDENTIFY” means state the name and last known
18 residential address(es), business address(s), e-mail address(es), and telephone number(s).)

19 **Response To Request For Production No. 3:**

20 Responding Party objects to this request on the grounds it requires a legal conclusion.

21 Responding Party objects to this request to the extent it seeks premature disclosure of
22 expert opinion in violation of Code of Civil Procedure section 2034.210, 2034,220, and 2034.270.

23 Responding Party objects to this request to the extent it seeks the legal reasoning and
24 theories of Responding Party’s contentions.

25 Responding Party objects to this request on the grounds it contains improper subparts, or
26 is a compound, conjunctive, for disjunctive question in violation of Code of Civil Procedure
27 section 2030.060.

28 Responding Party objects to this request on the grounds if calls for financial or tax

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1 information protected by the right to privacy or privilege.

2 Without waiving her objections, Responding Party responds:

3 Responding Party.

4 Elizabeth Vaughn, 2488 Historic Decatur Road, Suite 220, San Diego, California 92106;
5 (619) 523-1930.

6 Discovery is ongoing and incomplete and Responding Party reserves the right to update
7 this response.

8 **Special Interrogatory No. 4:**

9 Please state any and all facts that support the allegations in paragraph 21 of Responding
10 Party’s cross-complaint.

11 **Response To Special Interrogatory No. 4:**

12 Responding Party objects to this request to the extent it seeks premature disclosure of
13 expert opinion in violation of Code of Civil Procedure section 2034.210, 2034,220, and 2034.270.

14 Responding Party objects to this request to the extent it seeks the legal reasoning and
15 theories of Responding Party’s contentions.

16 Responding Party objects to this request on the grounds if calls for financial or tax
17 information protected by the right to privacy or privilege.

18 Responding Party objects to this request on the grounds it is overbroad.

19 **Special Interrogatory No. 5:**

20 For each and every fact stated in response to Special Interrogatory 4 above, please
21 IDENTIFY EACH AND EVERY WITNESS WITH INFORMATION THAT TENDS IN ANY
22 WAY TO SUBSTANTIATE THE FACT. (As used in this interrogatory, “IDENTIFY” means
23 state the name and last known residential address(es), business address(s), e-mail address(es), and
24 telephone number(s).)

25 **Response To Special Interrogatory No. 5:**

26 Responding Party objects to this request on the grounds it requires a legal conclusion.

27 Responding Party objects to this request to the extent it seeks premature disclosure of
28 expert opinion in violation of Code of Civil Procedure section 2034.210, 2034,220, and 2034.270.

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1 Responding Party objects to this request to the extent it seeks the legal reasoning and
2 theories of Responding Party’s contentions.

3 Responding Party objects to this request on the grounds it contains improper subparts, or
4 is a compound, conjunctive, for disjunctive question in violation of Code of Civil Procedure
5 section 2030.060.

6 Responding Party objects to this request on the grounds if calls for financial or tax
7 information protected by the right to privacy or privilege

8 Responding Party objects to this request on the grounds it is overbroad

9 **Special Interrogatory No. 6:**

10 Please state any and all facts that support the allegations in paragraph 23 of Responding
11 Party’s cross-complaint.

12 **Response To Special Interrogatory No. 6:**

13 Responding Party objects to this request on the grounds it requires a legal conclusion.

14 Responding Party objects to this request to the extent it seeks premature disclosure of
15 expert opinion in violation of Code of Civil Procedure section 2034.210, 2034,220, and 2034.270.

16 Responding Party objects to this request to the extent it seeks the legal reasoning and
17 theories of Responding Party’s contentions.

18 Responding Party objects to this request on the grounds it contains improper subparts, or
19 is a compound, conjunctive, for disjunctive question in violation of Code of Civil Procedure
20 section 2030.060.

21 Responding Party objects to this request on the grounds if calls for financial or tax
22 information protected by the right to privacy or privilege.

23 Responding Party objects to this request on the grounds it is overbroad.

24 **Special Interrogatory No. 7:**

25 For each and every fact stated in response to Special Interrogatory 6 above, please
26 IDENTIFY each and every witness with information that tends in any way to substantiate the
27 fact. (As used in this interrogatory, “IDENTIFY” means state the name and last known residential
28 address(es), business address(s), e-mail address(es), and telephone number(s).)

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Response To Special Interrogatory No. 7:

Responding Party objects to this request on the grounds it requires a legal conclusion.

Responding Party objects to this request to the extent it seeks premature disclosure of expert opinion in violation of Code of Civil Procedure section 2034.210, 2034,220, and 2034.270.

Responding Party objects to this request to the extent it seeks the legal reasoning and theories of Responding Party’s contentions.

Responding Party objects to this request on the grounds it contains improper subparts, or is a compound, conjunctive, for disjunctive question in violation of Code of Civil Procedure section 2030.060.

Responding Party objects to this request on the grounds if calls for financial or tax information protected by the right to privacy or privilege.

Responding Party objects to this request on the grounds it is overbroad.

DATED: July 30, 2021

AUSTIN LEGAL GROUP, APC

By: *Tamara H. Leatham*
Gina Austin/Tamara Leatham
Attorneys for Cross-complainant Marcela
Escobar-Eck

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VERIFICATION

I, Marcela Escobar-Eck, a defendant and cross-complainant in the above-captioned matter have read the foregoing Responses To Special Interrogatories Set One and know the contents thereof. The matters stated in Responses To Special Interrogatories Set One are true based on my own knowledge, except those matters stated on information and belief, and as to those matters I believe them to be true.

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct.

Dated: July 30, 2021

DocuSigned by:
Marcela Escobar-Eck
3C0366979DAC401...

Marcela Escobar-Eck

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PROOF OF SERVICE

1. My name is Ruth Flores. I am over the age of eighteen. I am employed in the State of California, County of San Bernardino.

2. My business residence address is Briggs Law Corporation, 99 East "C" Street, Suite 111 Upland, CA 91786.

3. On August 18, 2021, I served an original copy a true and correct copy of the following documents: PLAINTIFF AND CROSS-DEFENDANT JOSHUA BILLAUER'S OPENING BRIEF IN SUPPORT OF SPECIAL MOTION TO STRIKE DEFENDANT AND CROSSCOMPLAINANT OLGA MARCELA ESCOBAR-ECK'S CROSS-COMPLAINT; DECLARATIONS OF JOSHUA BILLAUER AND CORY J. BRIGGS; SUPPORTING EXHIBITS 29-30.

4. I served the documents on the person(s) identified on the attached mailing/service list as follows: by personal service. I personally delivered the documents to the person(s) at the address(es) indicated on the list.

by U.S. mail. I sealed the documents in an envelope or package addressed to the person(s) at the address(es) indicated on the list, with first-class postage fully prepaid, and then I

deposited the envelope/package with the U.S. Postal Service

placed the envelope/package in a box for outgoing mail in accordance with my office's ordinary practices for collecting and processing outgoing mail, with which I am readily familiar. On the same day that mail is placed in the box for outgoing mail, it is deposited in the ordinary course of business with the U.S. Postal Service.

I am a resident of or employed in the county where the mailing occurred. The mailing occurred in the city of , California.

by overnight delivery. I sealed the documents in an envelope/package provided by an overnight-delivery service and addressed to the person(s) at the address(es) indicated on the list, and then I placed the envelope/package for collection and overnight delivery in the service's box regularly utilized for receiving items for overnight delivery or at the service's office where such items are accepted for overnight delivery.

by facsimile transmission. Based on an agreement of the parties or a court order, I sent the documents to the person(s) at the fax number(s) shown on the list. Afterward, the fax machine from which the documents were sent reported that they were sent successfully.

by e-mail delivery. Based on the parties' agreement or a court order or rule, I sent the documents to the person(s) at the e-mail address(es) shown on the list. I did not receive, within a reasonable period of time afterward, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the United States of the State of California that the foregoing is true and correct.

Date: August 18, 2021

Signature: Ruth Flores

SERVICE LIST

Joshua Billauer v. Olga Marcela Escobar-Eck et al.; and related cross-action
San Diego County Superior Court case no. 37-2021-00006367-CU-DF-CTL

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Attorneys for Cross-Complainant Olga
Marcela Escobar-Eck